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U.S. Veterans
Administration

Public acts nos. 2 and 78,
73rd Congress

Washington

1933

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Public acts nos. 2 and 78, 73d Congress, and executive orders, dated March 31, 1933, June 6, 1933, and July 28, 1933, issued pursuant thereto, governing the granting of benefits to veterans of the armed forces of the United States and their dependents. Washington, U. S. Govt. print. off., 1933.

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(73d Cong., 1st sess.) II. U. S. President, 1933— (Franklin D.
Roosevelt) III. Title.

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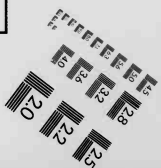
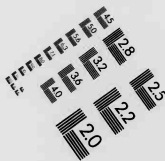
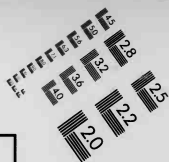
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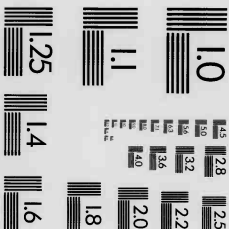
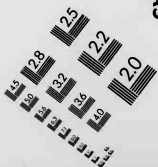


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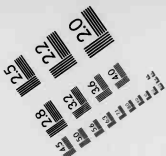
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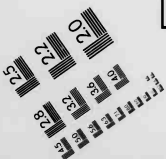
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**PUBLIC ACTS NOS. 2 AND 78, 73D CONGRESS,
AND EXECUTIVE ORDERS, DATED MARCH
31, 1933, JUNE 6, 1933, AND JULY 28, 1933,
ISSUED PURSUANT THERETO GOVERNING
THE GRANTING OF BENEFITS TO VETERANS
OF THE ARMED FORCES OF THE UNITED
STATES AND THEIR DEPENDENTS**



308

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Box 390

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933

Jan 7, 1936

[PUBLIC—No. 2—73D CONGRESS]

[H.R. 2820]

AN ACT

To maintain the credit of the United States Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

VETERANS

SECTION 1. That subject to such requirements and limitations as shall be contained in regulations to be issued by the President, and within the limits of appropriations made by Congress, the following classes of persons may be paid a pension:

(a) Any person who served in the active military or naval service and who is disabled as a result of disease or injury or aggravation of a preexisting disease or injury incurred in line of duty in such service.

(b) Any person who served in the active military or naval service during the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, or the World War, and who is permanently disabled as a result of injury or disease: *Provided*, That nothing contained in this title shall deny a pension to a Spanish-American War veteran past the age of sixty-two years entitled to a pension under existing law, but the President may reduce the rate of pension as he may deem proper.

(c) The widow, child, or children, dependent mother or father, of any person who dies as a result of disease or injury incurred or aggravated in line of duty in the active military or naval service.

(d) The widow and/or child of any deceased person who served in the active military or naval service during the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection.

(e) For the purpose of subparagraph (b) of this section, the World War shall be deemed to have ended November 11, 1918.

SEC. 2. The minimum and maximum monthly rate of pension which may be paid for disability or death shall be as follows: For disability, from \$6 to \$275; for death, from \$12 to \$75.

SEC. 3. For each class of persons specified in subparagraphs (a) and (b) of section 1 of this title the President is hereby authorized to prescribe by regulation the minimum degrees of disability and such higher degrees of disability, if any, as in his judgment should be recognized and prescribe the rate of pension payable for each such degree of disability. In fixing rates of pensions for disability or death the President shall prescribe by regulation such differentiation as he may deem just and equitable, in the rates to be paid to veterans of different wars and/or their dependents and to be paid for

(a) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in war-time service;

(b) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in peace-time service;

(c) Disabilities and deaths not incurred in service.

SEC. 4. The President shall prescribe by regulation (subject to the provisions of section 1 (e) of this title) the date of the beginning and of the termination of the period in each war subsequent to the Civil War, including the Boxer Rebellion and the Philippine Insurrection, service within which shall for the purposes of this Act be deemed war-time service. The President shall further prescribe by regulation the required number of days of war or peace-time service for each class of veterans, the time limit on filing of claims for each class of veterans and their dependents, the nature and extent of proofs and presumptions for such different classes, and any other requirements as to entitlement as he shall deem equitable and just. The President in establishing conditions precedent may prescribe different requirements or conditions for the veterans of different wars and their dependents and may further subdivide the classes of persons as outlined in section 1 of this title and apply different requirements or conditions to such subdivisions.

SEC. 5. All decisions rendered by the Administrator of Veterans' Affairs under the provisions of this title, or the regulations issued pursuant thereto, shall be final and conclusive on all questions of law and fact, and no other official or court of the United States shall have jurisdiction to review by mandamus or otherwise any such decision.

SEC. 6. In addition to the pensions provided in this title the Administrator of Veterans' Affairs is hereby authorized under such limitations as may be prescribed by the President, and within the limits of existing Veterans' Administration facilities, to furnish to men discharged from the Army, Navy, Marine Corps, or Coast Guard for disabilities incurred in line of duty and to veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, domiciliary care where they are suffering with permanent disabilities, tuberculosis, or neuropsychiatric ailments and medical and hospital treatment for diseases or injuries. (As amended by Public Act No. 78, 73d Cong., approved June 16, 1933).¹

SEC. 7. The Administrator of Veterans' Affairs subject to the general direction of the President and in accordance with regulations to be issued by the President shall administer, execute, and enforce the provisions of this title and for such purpose shall have the same authority and powers as are provided in sections 425, 430, 431, 432, 433, 434, 440, 442, 443, 444, 447, 450, 451, 453, 455, 457, 458, 459, 459a, 459c, 459d, 459e, 459f, title 38, U.S.C., and such other sections of title 38, U.S.C., as relate to the administration of the laws granting pensions.

SEC. 8. The Administrator of Veterans' Affairs is hereby authorized in carrying out the provisions of Title I of this Act or any other pension Act to delegate authority to render decisions to such person or persons as he may find necessary. Within the limitations of such

¹ This section as originally enacted in Public Act No. 2, 73d Congress, read:

"SEC. 6. In addition to the pensions provided in this title, the Administrator of Veterans' Affairs is hereby authorized under such limitations as may be prescribed by the President, and within the limits of existing Veterans' Administration facilities, to furnish to veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, domiciliary care where they are suffering with permanent disabilities, tuberculosis or neuropsychiatric ailments and medical and hospital treatment for diseases or injuries."

delegations, any decisions rendered by such person or persons shall have the same force and effect as though rendered by the Administrator of Veterans' Affairs. The President shall personally approve all regulations issued under the provisions of this title.

SEC. 9. Claims for benefits under this title shall be filed with the Veterans' Administration under such regulations, including provisions for hearing, determination, and administrative review, as the President may approve, and payments shall not be made for any period prior to date of application. When a claim shall be finally disallowed under this title and the regulations issued thereunder, it may not thereafter be reopened or allowed. No person who is entitled to any benefits under this title shall participate in any determination or decision with respect to any claim for benefits under this title.

SEC. 10. Notwithstanding the provisions of section 2 of this title, any person who served as an officer of the Army, Navy, or Marine Corps of the United States during the World War, other than as an officer of the Regular Army, Navy, or Marine Corps during the World War, who made valid application for retirement under the provisions of Public No. 506, Seventieth Congress, enacted May 24, 1928, sections 581 and 582, title 38, United States Code, and who prior to the passage of this Act has been granted retirement with pay, shall be entitled to continue to receive retirement pay at the monthly rate now being paid him if the disability for which he has been retired resulted from disease or injury or aggravation of a preexisting disease or injury incurred in line of duty during such service: *Provided*, That such person entered active service between April 6, 1917, and November 11, 1918: *Provided*, That the disease or injury or aggravation of the disease or injury directly resulted from the performance of military or naval duty, and that such person otherwise meets the requirements of the regulations which may be issued under the provisions of this Act.

SEC. 11. All offenses committed and all penalties or forfeiture incurred under the acts repealed by section 17 of this title may be prosecuted and punished in the same manner and with the same effect as if said repeal had not been made and any person who forfeited rights to benefits under any such acts shall not be entitled to any benefits under this title.

SEC. 12. That whoever in any claim for benefits under this title or by regulations issued pursuant to this title, makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both.

SEC. 13. That if any person entitled to payment of pension under this title, whose right to such payment under this title or under any regulation issued under this title, ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year, or both.

SEC. 14. That whoever shall obtain or receive any money, check, or pension under this title, or regulations issued under this title, without being entitled to the same, and with intent to defraud the United States or any beneficiary of the United States, shall be

punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or both.

SEC. 15. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in any wise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any claim for benefits under this title, shall forfeit all rights, claims, and benefits under this title, and, in addition to any and all other penalties imposed by law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

SEC. 16. Every guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant or his estate, having charge and custody in a fiduciary capacity of money paid, under the provisions of this title, for the benefit of any minor or incompetent claimant, who shall embezzle the same in violation of his trust, or convert the same to his own use, shall be punished by a fine not exceeding \$2,000 or imprisonment at hard labor for a term not exceeding five years, or both.

SEC. 17. All public laws granting medical or hospital treatment, domiciliary care, compensation and other allowances, pension, disability allowance, or retirement pay to veterans and the dependents of veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, and the World War, or to former members of the military or naval service for injury or disease incurred or aggravated in the line of duty in the military or naval service (except so far as they relate to persons who served prior to the Spanish-American War and to the dependents of such persons, and the retirement of officers and enlisted men of the Regular Army, Navy, Marine Corps, or Coast Guard) are hereby repealed, and all laws granting or pertaining to yearly renewable term insurance are hereby repealed, but payments in accordance with such laws shall continue to the last day of the third calendar month following the month during which this Act is enacted. The Administrator of Veterans' Affairs under the general direction of the President shall immediately cause to be reviewed all allowed claims under the above referred to laws and where a person is found entitled under this Act, authorize payment or allowance of benefits in accordance with the provisions of this Act commencing with the first day of the fourth calendar month following the month during which this Act is enacted and notwithstanding the provisions of section 9 of this Act, no further claim in such cases shall be required: *Provided*, That nothing contained in this section shall interfere with payments heretofore made or hereafter to be made under contracts of yearly renewable term insurance which have matured prior to the date of enactment of this Act and under which payments have been commenced, or on any judgment heretofore rendered in a court of competent jurisdiction in any suit on a contract of yearly renewable term insurance, or which may hereafter be rendered in any such suit now pending: *Provided further*, That, subject to such regulations as the President may prescribe, allowances may be granted for burial and funeral expenses and transportation of the bodies (including preparation of the bodies) of deceased veterans of any war to the places of burial thereof in a sum not to exceed \$107 in any one case.

The provisions of this title shall not apply to compensation or pension (except as to rates, time of entry into active service, and special statutory allowances), being paid to veterans disabled, or dependents of veterans who died, as the result of disease or injury directly connected with active military or naval service (without benefit of statutory or regulatory presumption of service connection) pursuant to the provisions of the laws in effect on the date of enactment of this Act. The term "compensation or pension" as used in this paragraph shall not be construed to include emergency officers' retired pay referred to in section 10 of this title.

SEC. 18. For the fiscal year ending June 30, 1934, any pension, and/or any other monetary gratuity, payable to former members of the military or naval service in wars prior to the Spanish-American War, and their dependents, for service, age, disease, or injury, except retired pay of officers and enlisted men of the Regular Army, Navy, Marine Corps, or Coast Guard, shall be reduced by 10 per centum of the amount payable.

SEC. 19. The regulations issued by the President under this title which are in effect at the expiration of two years after the date of enactment of this Act shall continue in effect without further change or modification until the Congress by law shall otherwise provide.

SEC. 20. The President shall transmit to the Congress, as soon as practicable after the date of their issue, copies of all regulations issued pursuant to this title.

Approved March 20th, 1933.

[PUBLIC—No. 78—73D CONGRESS]

[H.R. 5389]

AN ACT

Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, namely:

Provided, That when found to be to the best interest of the United States, not to exceed \$500,000 of this amount may be used for payments to State institutions caring for and maintaining veterans, suffering from neuropsychiatric ailments, who are in such institutions on the date of the enactment of this Act: *Provided*, That not to exceed \$8,000,000 of this amount shall be available for all expenses and maintenance of all regional offices of the Veterans' Administration:

Provided further, That the appropriations herein made for domiciliary care shall be available for continuing aid to State or Ter-

ritorial homes for the support of disabled volunteer soldiers and sailors, in conformity with the Act approved August 27, 1888 (U.S.C., title 24, sec. 134), as amended, including all classes of veterans admissible to the Veterans' Administration homes:

That the Attorney General of the United States is hereby authorized to agree to a judgment to be rendered by the presiding judge of the United States court having jurisdiction of the case, pursuant to compromise approved by the Attorney General upon the recommendation of the United States Attorney charged with the defense, upon such terms and for such sums within the amount claimed to be payable, in any suit pending on March 20, 1933, and on the date of the enactment of this Act, brought under the provisions of the World War Veterans' Act, 1924, as amended, on a contract of yearly renewable term insurance, and the Administrator of Veterans' Affairs is hereby authorized and directed to make payments in accordance with any such judgment: *Provided*, That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers of the Veterans' Administration for all payments of insurance made in accordance with any such judgment: *Provided further*, That all such judgment shall constitute final settlement of the claim and no appeal therefrom shall be authorized.

SEC. 15. For the fiscal year ending June 30, 1934, every pension payable under any private relief Act, not subject to the provisions of sections 1 and 17 of title I of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, shall, irrespective of the provisions of section 18 of title I of such Act, be reduced by the same percentage as that prescribed for the reduction of compensation of officers and employees under section 3 of title II of said Act.

SEC. 20. The President is hereby authorized under the provisions of Public Law Numbered 2, Seventy-third Congress, to establish such number of special boards (the majority of the members of which were not in the employ of the Veterans' Administration at the date of enactment of this Act), as he may deem necessary to review all claims (where the veteran entered service prior to November 11, 1918, and whose disability is not the result of his own misconduct), in which presumptive service connection has heretofore been granted under the World War Veterans' Act, 1924, as amended, wherein payments were being made on March 20, 1933, and which are held not service connected under the regulations issued pursuant to Public Law Numbered 2, Seventy-third Congress. Members of such boards may be appointed without regard to the Civil Service laws and regulations, and their compensation fixed without regard to the Classification Act of 1923, as amended. Such special boards shall determine, on all available evidence, the question whether service connection shall be granted under the provisions of the regulations issued pursuant to Public Law Numbered 2, Seventy-third Congress (notwithstanding the evidence may not clearly demonstrate the existence of the disease or any specific clinical findings within the terms of or period prescribed by regulation 1, part I, subparagraph (c),

or instruction numbered 2, regulation numbered 1, issued under Public Law Numbered 2, Seventy-third Congress), and shall in their decisions resolve all reasonable doubts in favor of the veteran, the burden of proof in such cases being on the Government.

Notwithstanding the provisions of section 17, title I, Public Law Numbered 2, Seventy-third Congress, any claim for yearly renewable term insurance on which premiums were paid to the date of death of the insured and any claim for pension, compensation allowance, or emergency officers' retirement pay under the provisions of laws repealed by said section 17 wherein claim was duly filed prior to March 20, 1933, may be adjudicated by the Veterans' Administration on the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, and any person found entitled to the benefits claimed shall be paid such benefits in accordance with and in the amounts provided by such prior laws: *Provided*, That the payments hereby authorized to be made shall continue only to include June 30, 1933, and only one original adjudicatory action and one appeal may be had in such cases. Where a veteran died prior to March 20, 1933, under conditions which warrant the payment of, or reimbursement for, burial expenses, such payment or reimbursement may be made in accordance with the laws in effect prior to March 20, 1933, provided that claim for such payment or reimbursement must be filed within three months from the date of passage of this Act.

Notwithstanding the provisions of Public Law Numbered 2, Seventy-third Congress, the decisions of such special boards shall be final in such cases, subject to such appellate procedure as the President may prescribe, and, except for fraud, mistake, or misrepresentation, 75 per centum of the payments being made on March 20, 1933, therein shall continue to October 31, 1933, or the date of special board decision, whichever is the earlier date: *Provided*, That where any case is pending before any one of the special boards on October 31, 1933, the President may provide for extending the time of payment until decision can be rendered. The President shall prescribe such rules governing reviews and hearings as may be deemed advisable. Payment of salaries and expenses of such boards and personnel assigned thereto shall be paid out of and in accordance with appropriations for the Veterans' Administration.

Notwithstanding any of the provisions of Public Law Numbered 2, Seventy-third Congress, in no event shall the rates of compensation payable for directly service-connected disabilities to those veterans who entered the active military or naval service prior to November 11, 1918, and whose disabilities are not the result of their own misconduct, where they were except by fraud, mistake, or misrepresentation, in receipt of compensation on March 20, 1933, be reduced more than 25 per centum, except in accordance with the regulations issued under Public Law Numbered 2, Seventy-third Congress, pertaining to Federal employees, hospitalized cases and cases of beneficiaries residing outside of the continental limits of the United States; and in no event shall death compensation, except by fraud, mistake, or misrepresentation, being paid to widows, children, and dependent parents of deceased World War veterans under the World War Veterans' Act of 1924, as amended, on March 20, 1933, be reduced or

discontinued, whether the death of the veteran on whose account compensation is being paid was directly or presumptively connected with service.

Notwithstanding any of the provisions of Public Law Numbered 2, Seventy-third Congress, any veteran of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, who served ninety days or more, was honorably discharged from the service, is fifty-five years of age or over, is 50 per centum disabled, and in need as defined by the President, shall be paid a pension of not less than \$15 per month.

SEC. 21. This Act hereafter may be referred to as the "Independent Offices Appropriation Act, 1934."

Approved, June 16, 1933, 1:25 p.m.

EXECUTIVE ORDER

VETERANS REGULATION NO. 1 (a)

ENTITLEMENT TO PENSIONS

WHEREAS, Section 1, Title I, of Public No. 2, 73d Congress, entitled "An Act to maintain the credit of the United States Government", provides:

"SEC. 1. That subject to such requirements and limitations as shall be contained in regulations to be issued by the President, and within the limits of appropriations made by Congress, the following classes of persons may be paid a pension: (a) Any person who served in the active military or naval service and who is disabled as a result of disease or injury or aggravation of a preexisting disease or injury incurred in line of duty in such service. (b) Any person who served in the active military or naval service during the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, or the World War, and who is permanently disabled as a result of injury or disease: *Provided*, That nothing contained in this title shall deny a pension to a Spanish-American War veteran past the age of sixty-two years entitled to a pension under existing law, but the President may reduce the rate of pension as he may deem proper. (c) The widow, child, or children, dependent mother or father, of any person who dies as a result of disease or injury incurred or aggravated in line of duty in the active military or naval service. (d) The widow and/or child of any deceased person who served in the active military or naval service during the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection. (e) For the purpose of subparagraph (b) of this section, the World War shall be deemed to have ended November 11, 1918."

NOW, THEREFORE, by virtue of the authority vested in me by said law, the following regulation is hereby promulgated cancelling Veterans Regulation No. 1 and substituting therefor Veterans Regulation No. 1 (a) to read as follows:

PART I

PENSIONS TO VETERANS AND THE DEPENDENTS OF VETERANS FOR DISABILITY OR DEATH RESULTING FROM ACTIVE MILITARY OR NAVAL SERVICE DURING THE SPANISH-AMERICAN WAR, BOXER REBELLION, PHILIPPINE INSURRECTION, AND/OR THE WORLD WAR

I. (a) For disability resulting from personal injury or disease contracted in line of duty, or for aggravation of a preexisting injury or disease contracted or suffered in line of duty, when such disability

was incurred in or aggravated by active military or naval service during an enlistment or employment entered into on or after April 21, 1898, and before August 13, 1898, where the injury or disease was incurred or aggravated prior to July 5, 1902; or during an enlistment or employment where there was actual participation in the Philippine Insurrection on or after August 13, 1898, and before July 5, 1902; provided, however, that if the person was serving with the United States military forces engaged in the hostilities in the Moro Province the dates herein stated shall extend to July 15, 1903; or during an enlistment or employment where there was actual participation in the Boxer Rebellion on or after June 20, 1900, and before May 13, 1901; or during an enlistment or employment entered into on or after April 6, 1917, and before November 12, 1918, where the disease or injury was incurred prior to July 2, 1921; provided, however, if the person was serving with the United States military forces in Russia the dates herein shall be extended to April 1, 1920; or where such disability was incurred in or aggravated by active military or naval service during an enlistment or employment where there was active service in the Spanish-American War, or actual participation in the Boxer Rebellion, or Philippine Insurrection, or active service in the World War during the dates specified, the United States will pay to any person thus disabled and who was honorably discharged a pension as hereinafter provided, but no pension shall be paid if the disability is the result of the person's own misconduct.

(b) That for the purposes of paragraph I (a) hereof every person employed in the active military or naval service for 90 days or more, shall be taken to have been in sound condition when examined, accepted and enrolled for service except as to defects, infirmities or disorders noted at time of the examination, acceptance, and enrollment, or where evidence, or medical judgment is such as to warrant a finding that the injury or disease existed prior to acceptance and enrollment.

(c) That for the purposes of paragraph I (a) hereof a chronic disease becoming manifest to a degree of 10% or more within one year from the date of separation from active service as set forth therein shall be considered to have been incurred in or aggravated by service as specified therein notwithstanding there is no record of evidence of such disease during the period of active service; provided the person suffering from such disease served 90 days or more in the active service as specified therein; provided, however, that: Where there is affirmative evidence to the contrary, or evidence to establish that an intercurrent injury or disease which is a recognized cause of such chronic disease, has been suffered between the date of discharge and the onset of the chronic disease, or the disability is due to the person's own misconduct, service connection will not be in order.

(d) That for the purposes of paragraph I (a) hereof a preexisting injury or disease will be considered to have been aggravated by active military service as provided for therein where there is an increase in disability during active service unless there is a specific finding that the increase in disability is due to the natural progress of the disease.

II. That for the purposes of Part I, paragraph I (a) hereof, if the disability results from injury or disease:

(a) If and while the disability is rated 10 per centum the monthly pension shall be \$9.00.

(b) If and while the disability is rated 20 per centum the monthly pension shall be \$18.00.

(c) If and while the disability is rated 30 per centum the monthly pension shall be \$27.00.

(d) If and while the disability is rated 40 per centum the monthly pension shall be \$36.00.

(e) If and while the disability is rated 50 per centum the monthly pension shall be \$45.00.

(f) If and while the disability is rated 60 per centum the monthly pension shall be \$54.00.

(g) If and while the disability is rated 70 per centum the monthly pension shall be \$63.00.

(h) If and while the disability is rated 80 per centum the monthly pension shall be \$72.00.

(i) If and while the disability is rated 90 per centum the monthly pension shall be \$81.00.

(j) If and while the disability is rated as total the monthly pension shall be \$90.00.

(k) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or the loss of the use of only one foot, or one hand, or one eye, the rate of pension provided in Part I, paragraph II (a) to (j), shall be increased by \$25.00 per month.

(l) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of both hands, or of both feet, or of one hand and one foot, or is so helpless as to be in need of regular aid and attendance, the monthly pension shall be \$150.00.

(m) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of both hands and one foot, or of both feet and one hand, or if the disabled person as the result of service-incurred disability, is blind in both eyes, having only light perception, the monthly pension shall be \$175.00.

(n) If the disabled person, as the result of service-incurred disability, is blind in both eyes, having only light perception, and has suffered the anatomical loss or loss of use of one hand or of one foot, the monthly pension shall be \$200.

(o) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use as provided in subparagraphs (l) to (n), inclusive, of Part I, paragraph II of this Regulation, and/or blindness in both eyes, having only light perception, which conditions under subparagraphs (l) to (n), inclusive, entitle him to two or more of the rates provided in those subparagraphs, no specified condition being considered twice in the determination, the monthly pension shall be \$250.00.

III. That for the purposes of paragraph I hereof any person, who on or after April 6, 1917, and prior to November 12, 1918, applied for enlistment or enrollment in the active military or naval forces and who was provisionally accepted and directed or ordered to report to a place for final acceptance into such military service, or who on or after April 6, 1917, and prior to November 12, 1918, was drafted and after reporting pursuant to the call of his local draft board and prior to rejection, or who on or after April 6, 1917, and prior to November 12, 1918, after being called into the Federal service as a member of

the National Guard but before being enrolled for the Federal service suffered an injury or disease in line of duty and not the result of his own misconduct will be considered to have incurred such disability in active military or naval service during the period of the World War.

IV. The surviving widow, child or children, and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service as provided for in Part I, paragraph I hereof, shall be entitled to receive pension at the monthly rates specified next below:

Widow but no child.....	\$30
Widow and one child.....	40
(with \$6 for each additional child)	
No widow but one child.....	20
No widow but two children.....	\$30 (equally divided)
No widow but three children.....	40 (equally divided)
(with \$5 for each additional child; total amount to be equally divided)	
Dependent mother or father.....	\$20
(or both).....	\$15 each

The total pension payable under this paragraph shall not exceed \$75. Where such benefits would otherwise exceed \$75 the amount of \$75 may be apportioned as the Administrator of Veterans' Affairs may prescribe.

PART II

PAYMENT OF PENSION FOR DISABILITY OR DEATH INCURRED DURING PEACE-TIME SERVICE

I. (a) For disability resulting from personal injury or disease contracted in line of duty or for aggravation of a preexisting injury or disease contracted or suffered in line of duty when such disability was incurred in or aggravated by active military or naval service other than in a period of war service as provided in Part I, the United States will pay to any person thus disabled and who was honorably discharged from such period of service in which such injury or disease was incurred, or preexisting injury or disease was aggravated, a pension as hereinafter provided; but no pension shall be paid if the disability is the result of the person's own misconduct.

(b) For the purposes of paragraph I (a) of Part II hereof every person employed in the active military or naval service for six months or more shall be taken to have been in sound condition when examined, accepted and enrolled for service, except as to defects, infirmities, or disorders noted at time of the examination, acceptance and enrollment, or where evidence or medical judgment is such as to warrant a finding that the disease or injury existed prior to acceptance and enrollment.

(c) Any veteran or the dependents of any deceased veteran otherwise entitled to pension under the provisions of Part II of this Regulation shall be entitled to receive the rate of pension provided in Part I of this Regulation if the disability or death resulted from an injury received in line of duty in actual combat in a military expedition or military occupation.

II. For the purposes of Part II, paragraph I (a) hereof, if the disability results from injury or disease—

(a) If and while the disability is rated 10 per centum the monthly pension shall be \$6.00.

(b) If and while the disability is rated 20 per centum the monthly pension shall be \$9.00.

(c) If and while the disability is rated 30 per centum the monthly pension shall be \$13.00.

(d) If and while the disability is rated 40 per centum the monthly pension shall be \$18.00.

(e) If and while the disability is rated 50 per centum the monthly pension shall be \$22.00.

(f) If and while the disability is rated 60 per centum the monthly pension shall be \$27.00.

(g) If and while the disability is rated 70 per centum the monthly pension shall be \$31.00.

(h) If and while the disability is rated 80 per centum the monthly pension shall be \$36.00.

(i) If and while the disability is rated 90 per centum the monthly pension shall be \$40.00.

(j) If and while the disability is rated as total the monthly pension shall be \$45.00.

(k) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or the loss of the use of one foot, or one hand, or one eye, the rate of pension provided in Part II, paragraph II, (a) to (j), shall be increased by \$12.00 per month.

(l) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of both hands, or of both feet, or of one hand and one foot, or is so helpless as to be in need of regular aid and attendance, the monthly pension shall be \$75.00.

(m) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of both hands and one foot, or of both feet and one hand, or if the disabled person, as the result of service-incurred disability, is blind in both eyes, having only light perception, the monthly pension shall be \$87.00.

(n) If the disabled person, as the result of service-incurred disability, is blind in both eyes, having only light perception, and has suffered the anatomical loss or loss of use of one hand or of one foot, the monthly pension shall be \$100.00.

(o) If the disabled person, as the result of service incurred disability, has suffered the anatomical loss or loss of use as provided in subparagraphs (l) to (n), inclusive, of Part I, paragraph II, of this Regulation, and/or blindness in both eyes, having only light perception, which conditions under subparagraphs (l) to (n), inclusive, entitle him to two or more of the rates provided in those subparagraphs, no specified condition being considered twice in the determination, the monthly pension shall be \$125.

III. The surviving widow, child or children, and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service as provided for in Part II, paragraph I hereof shall be entitled to receive pension at the monthly rates specified next below:

Widow but no child	\$22
Widow and one child	30
(with \$4 for each additional child)	
No widow but one child	15
No widow but two children	\$22 (equally divided)

No widow but three children	\$30 (equally divided)
(with \$3 for each additional child; total amount to be equally divided)	
Dependent mother or father	\$15
(or both)	\$11 (each)

The total pension payable under this paragraph shall not exceed \$56.00. Where such benefits would otherwise exceed \$56.00 the amount of \$56.00 may be apportioned as the Administrator of Veterans' Affairs may prescribe.

PART III

PAYMENT OF PENSION FOR DISABILITIES OR DEATH NOT THE RESULT OF SERVICE

I. (a) Any person who served in the active military or naval service, for a period of ninety days or more, during either the Spanish-American War, the Boxer Rebellion, the Philippine Insurrection, or the World War, who is shown to have been in active service therein before the cessation of hostilities and to have been honorably discharged from such service shall be entitled to receive a pension for permanent total disability not the result of his misconduct and which is not shown to have been incurred in any period of military or naval service: *Provided, That*—

(b) To be entitled to pension under the terms of Part III a veteran of either the Boxer Rebellion or of the Philippine Insurrection must be shown to have actually participated therein during his period of service.

(c) That for the purpose of paragraph I (a) hereof, the World War shall be deemed to have ended November 11, 1918, and the delimiting periods of the Spanish-American War, the Boxer Rebellion, and the Philippine Insurrection shall be as specified in Part I.

(d) In determining the period of active service for the purpose of Part III, it is not requisite that the ninety days' period of service shall have been completed before the cessation of hostilities. It is necessary, however, that a claimant hereunder shall have entered service prior to the cessation of hostilities and shall have served continuously thereafter for ninety days. A period of continuous active service for ninety days which commenced prior to, and extended into a period of hostilities as defined by Part I, shall be considered as meeting the service requirements of Part III.

(e) (Amended by Veterans Regulation No. 1 (b), Executive Order No. 6229, see page 15.)

(f) The amount of pension payable under the terms of Part III shall be \$30 monthly: *Provided, That*—

(g) Any veteran of the Spanish-American War over sixty-two years of age, (1) who meets the other requirements of Part III, or (2) who was on the pension rolls March 20, 1933, shall be entitled to receive a pension in the amount of \$15.00 monthly, except that under (2), the pension being paid to the veteran on March 20, 1933, shall be continued in the same amount if it was less than \$15.00 per month.

(h) (Added by Veterans Regulation No. 1 (b), Executive Order No. 6229, see page 16.)

II. (a) Payment of pension provided by Part III, except as provided in paragraph I (g) shall not be made to any unmarried person whose annual income exceeds \$1,000, or to any married person or any person with minor children whose annual income exceeds \$2,500.

(b) Whenever the income of any beneficiary to whom pension has been allowed under Part III exceeds the amount specified in this paragraph, the award of pension shall be discontinued.

(c) Whenever it may be considered to be necessary for the purpose of this paragraph, the Veterans' Administration may require from any beneficiary under Part III such information, proofs or evidence as may be desired in order to determine the annual income of such beneficiary.

III. (a) The surviving widow and/or child or children of any deceased person who served in the active military or naval service during either the Spanish-American War, the Boxer Rebellion or the Philippine Insurrection, and whose service therein was as defined by Part III, paragraph I hereof, shall be entitled to receive a pension at the monthly rates specified next below:

Widow but no child.....	\$15
Widow and one child.....	20
(with \$3 monthly for each additional child)	
No widow but one child.....	12
No widow but two children.....	\$15 (equally divided)
No widow but three children.....	20 (equally divided)
(with \$2 monthly for each additional child; total amount to be equally divided)	

(b) The total pension payable under this paragraph shall not exceed \$27.00 monthly. Where such benefits would otherwise exceed \$27.00 monthly, the amount of \$27.00 may be apportioned as the Administrator of Veterans' Affairs may prescribe.

PART IV

COMBINING OF PENSIONS

I. The Administrator of Veterans' Affairs is hereby authorized and directed to provide for the combination of ratings and to pay pension at the rates prescribed by Veterans Regulation No. 1 (a), Part I, to those veterans who had war time service as defined in Veterans Regulation No. 1 (a), Paragraph I (a), and peace time service as defined in Part II, Paragraph I (a) thereof, who have suffered disability in line of duty in each period of service.

II. The Administrator of Veterans' Affairs is hereby further authorized and directed to provide that for the purpose of determining whether a veteran is suffering from permanent and total disability as defined in Part III, Veterans Regulation No. 1 (a), ratings for disabilities incurred in active military or naval service and in line of duty may be combined with ratings for disabilities which are not shown to have been incurred in active military or naval service: Provided, That in those cases in which the veteran, by virtue of the above provision, is found to be entitled to a pension under Part III of Veterans Regulation No. 1 (a), and is entitled to a pension under

Part I or Part II of Veterans Regulation No. 1 (a), the Administrator of Veterans' Affairs is authorized and directed to pay to the veteran the greater benefit.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
June 6, 1933.

[No. 6156]

EXECUTIVE ORDER

VETERANS REGULATION NO. 1 (b)

ENTITLEMENT TO PENSIONS

WHEREAS, Section 1, Title I, of Public No. 2, 73d Congress, entitled "An Act To maintain the credit of the United States Government", provides:

"That subject to such requirements and limitations as shall be contained in regulations to be issued by the President, and within the limits of appropriations made by Congress, the following classes of persons may be paid a pension: (a) Any person who served in the active military or naval service and who is disabled as a result of disease or injury or aggravation of a preexisting disease or injury incurred in line of duty in such service. (b) Any person who served in the active military or naval service during the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, or the World War, and who is permanently disabled as a result of injury or disease: *Provided*, That nothing contained in this title shall deny a pension to a Spanish-American War veteran past the age of sixty-two years entitled to a pension under existing law, but the President may reduce the rate of pension as he may deem proper. (c) The widow, child, or children, dependent mother or father, of any person who dies as a result of disease or injury incurred or aggravated in line of duty in the active military or naval service. (d) The widow and/or child of any deceased person who served in the active military or naval service during the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection. (e) For the purpose of subparagraph (b) of this section, the World War shall be deemed to have ended November 11, 1918."

AND WHEREAS, Section 20, of Public No. 78, 73d Congress, entitled "An Act Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes", provides in part:

"* * * Notwithstanding any of the provisions of Public Law Numbered 2, Seventy-third Congress, any veteran of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, who served ninety days or more, was honorably discharged from the service, is fifty-five years of age or over, is 50 per centum disabled, and in need as defined by the President, shall be paid a pension of not less than \$15 per month."

NOW, THEREFORE, by virtue of the authority vested in me by said laws, Veterans Regulation No. 1 (a) is amended as hereinafter provided:

1. Veterans Regulation No. 1 (a), Part III, paragraph I (e), is hereby amended to read as follows:

(e) Except as provided in subparagraphs (g) and (h) of paragraph I hereof, no pension shall be payable under Part III for permanent disability less than total. A permanent total disability shall be taken

to exist when there is present any impairment of mind or body which is sufficient to render it impossible for the average person to follow a substantially gainful occupation and where it is reasonably certain that such impairment will continue throughout the life of the disabled person. Notwithstanding this definition the Administrator of Veterans' Affairs is hereby authorized to classify as permanent and total those diseases and disorders, the nature and extent of which in his judgment is such as to justify such a determination.

2. Veterans Regulation No. 1 (a), Part III, paragraph I, is hereby amended by adding a new subparagraph (h) to read as follows:

(h) Any veteran of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, fifty-five years of age or over, who is 50 per centum disabled, and who meets the other requirements of Part III shall be paid a pension of not less than \$15 per month.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
July 28, 1933.

[No. 6229]

EXECUTIVE ORDER

VETERANS REGULATION NO. 2 (a)

EFFECTIVE DATES OF AWARDS OF DISABILITY AND DEATH PENSIONS;
PROVISIONS FOR FILING CLAIMS; REVIEW OF PRESUMPTIVE CLAIMS
BY SPECIAL REVIEW BOARDS

WHEREAS, Section 9, Title I, of Public No. 2, 73d Congress, entitled "An Act To maintain the credit of the United States Government", provides:

"Claims for benefits under this title shall be filed with the Veterans' Administration under such regulations, including provisions for hearing, determination, and administrative review, as the President may approve, and payments shall not be made for any period prior to date of application. When a claim shall be finally disallowed under this title and the regulations issued thereunder, it may not thereafter be reopened or allowed."

AND WHEREAS, Paragraphs 1 and 3 of Section 20, Public No. 78, 73d Congress, entitled "An Act Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes", provides:

"The President is hereby authorized under the provisions of Public Law Numbered 2, Seventy-third Congress, to establish such number of special boards (the majority of the members of which were not in the employ of the Veterans' Administration at the date of enactment of this Act), as he may deem necessary to review all claims (where the veteran entered service prior to November 11, 1918, and whose disability is not the result of his own misconduct), in which presumptive service connection has heretofore been granted under the World War Veterans' Act, 1924, as amended, wherein payments were being made on March 20, 1933, and which are held not service connected under the regulations issued pursuant to Public Law Numbered 2, Seventy-third Congress. Members of such boards may be appointed without regard to the Civil Service laws and regulations, and their compensation fixed without regard to the Classification

Act of 1923, as amended. Such special boards shall determine, on all available evidence, the question whether service connection shall be granted under the provisions of the regulations issued pursuant to Public Law Numbered 2, Seventy-third Congress (notwithstanding the evidence may not clearly demonstrate the existence of the disease or any specific clinical findings within the terms of or period prescribed by regulation 1, part 1, subparagraph (c), or instruction numbered 2, regulation numbered 1, issued under Public Law Numbered 2, Seventy-third Congress), and shall in their decisions resolve all reasonable doubts in favor of the veteran, the burden of proof in such cases being on the Government.

"Notwithstanding the provisions of Public Law Numbered 2, Seventy-third Congress, the decisions of such special boards shall be final in such cases, subject to such appellate procedure as the President may prescribe, and, except for fraud, mistake, or misrepresentation, 75 per centum of the payments being made on March 20, 1933, therein shall continue to October 31, 1933, or the date of special board decision, whichever is the earlier date: Provided, That where any case is pending before any one of the special boards on October 31, 1933, the President may provide for extending the time of payment until decision can be rendered. The President shall prescribe such rules governing reviews and hearings, as may be deemed advisable. Payment of salaries and expenses of such boards and personnel assigned thereto shall be paid out of and in accordance with appropriations for the Veterans' Administration."

NOW, THEREFORE, by virtue of authority vested in me by said laws, the following regulation is hereby promulgated, canceling Veterans Regulation No. 2 and substituting Veterans Regulation No. 2 (a) to read as follows:

PART I

EFFECTIVE DATES OF AWARDS OF DISABILITY AND DEATH PENSIONS AND PROVISIONS FOR FILING CLAIMS

I. The effective date of an award of pension shall be as follows:

(a) The effective date of an award of pension shall be fixed in accordance with the facts found, except that:

(1) No award of disability or death pension shall be effective prior to the date of the veteran's separation from service, date of the veteran's death, date of the happening of the contingency upon which disability or death pension is allowed, or the date of receipt of application therefor, whichever is the later date.

(2) In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application and if such evidence is not received within six months from the date of request therefor, pension may not be paid by virtue of that application.

II. The effective date of an award of increased pension shall be fixed in accordance with the facts found, except that:

(a) No award of increased pension may be effective for any period prior to the date of receipt of the evidence showing entitlement thereto.

(b) For the purpose of this Regulation, increased pension shall be taken to mean any award of pension, amending, reopening, or supplementing a previous award, authorizing any payments not theretofore authorized to the particular individual involved.

III. The effective date of reduction or discontinuance of compensation, disability allowance and/or pension shall be fixed in accordance with the facts found, except that:

(a) Reductions and discontinuances by reason of Public No. 2, 73d Congress, of benefits being paid, on the date of approval thereof,

pursuant to the laws in effect prior to the date of enactment of Public No. 2, 73d Congress, shall, except as provided for in Section 20, Paragraph 3 of Public No. 78, 73d Congress, and Veterans Regulation No. 12, be June 30, 1933, the last day of the third calendar month after the date of enactment of Public No. 2, 73d Congress, unless sooner reduced or discontinued under the provisions of such prior law.

(b) Where disability or death pension has been awarded pursuant to the provisions of Public No. 2, 73d Congress, and a reduction or discontinuance is thereafter effected as to rates, such reduction or discontinuance shall be effective the last day of the month in which the reduction or discontinuance is approved.

(c) Reductions or discontinuances because of the death of a disabled person receiving a pension shall be effective as of the date of death.

(d) Discontinuance of a pension because of remarriage or death of a widow shall be effective the date next preceding the date of her remarriage, or upon the date of her death.

(e) Discontinuance or reduction of a pension to or because of a child reaching the age of eighteen years, or being married, or dying, shall be effective the date next preceding the eighteenth birthday or next preceding the date of marriage or will be effective upon the date of death.

(f) Where there is fraud shown to have been committed by the person receiving pension or with his or her knowledge the effective date of discontinuance shall be as of the effective date of the award to such person.

(g) Discontinuance of a pension because of the receipt of active service or retirement pay shall be effective as of the date next preceding the date of commencement of such pay.

IV. (a) Pension payable to a widow shall continue until death or remarriage, provided, however, that where pension is properly discontinued by reason of remarriage, it shall not thereafter be recommenced.

(b) Pension to a dependent mother or father shall continue during dependency until death or remarriage of the mother or father, whether the dependency arises prior or subsequent to the death of the veteran, except that no pension shall be payable to any mother or father where the dependency arises more than ten years subsequent to the death of the veteran.

(c) Pension to or for a child shall continue only until the child's eighteenth birthday or marriage, or, if permanently and totally incapable of self-support, as outlined in Veterans Regulation No. 10 (a), until the child's marriage or death, but only during the continuance of such permanent and total incapacity or until completion of education or training (but not after the child marries or reaches the age of twenty-one years, whichever is the earlier date), when the child is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute or university particularly designated by him and approved by the Administrator.

V. Pension or emergency officers' retirement pay, not paid during the lifetime of the person entitled thereto, shall upon the death of such person be paid as follows: (a) Upon death of the veteran, first to the widow; second, if there is no widow, to his child or children under the age of eighteen years at his death; (b) upon death of the widow, to her children under the age of eighteen years at her death; (c) upon the

death, prior to payment of all or any part of the apportioned amount, of an apportionee of a part of the veteran's pension or emergency officers' retirement pay, such apportioned amount not paid shall be payable to the veteran; (d) in all other cases no payment whatsoever of such pension or emergency officers' retirement pay shall be made or allowed except so much as may be necessary to reimburse the person who bore the expense of burial, provided, however, that no payment shall be made unless claim therefor be filed within one year from the date of the death of the person entitled and perfected by the submission of the necessary evidence within six months from the date of the request of the Veterans' Administration therefor. Such pension shall include only payments due and unpaid at the time of death under then existing ratings or decisions.

VI. A specific claim on the form prescribed by the Administrator of Veterans' Affairs must be filed by a veteran, who is not already on the rolls of the Veterans' Administration, with the Veterans' Administration for benefits under Public No. 2, 73d Congress, involving disabilities and deaths resulting from injury or disease incurred or aggravated in line of duty in war-time or peace-time service and disabilities and deaths not incurred in service.

PART II

APPEALS

I. There is hereby created in the Veterans' Administration a Board of Veterans' Appeals under the administrative control and supervision of a Chairman directly responsible to the Administrator of Veterans' Affairs. The Board shall be composed of the Chairman, a Vice Chairman and not to exceed fifteen (15) associate members and such other professional, administrative, clerical, and stenographic personnel as are necessary in conducting hearings and in the consideration and disposition of appeals properly before such Board in accordance with the instructions herein provided. Members of the Board, including the Chairman and the Vice Chairman, shall be appointed by the Administrator of Veterans' Affairs with the approval of the President.

(a) The Chairman may from time to time divide the Board into sections of three members, assign the members of the Board thereto and designate the chief thereof. If a section as a result of a vacancy or absence or inability of a member assigned thereto to serve thereon is composed of a number of members less than designated for the section, the Chairman may assign other members to the section or direct the section to proceed with the transaction of business without awaiting any additional assignment of members thereto. A hearing docket shall be maintained and formal recorded hearings shall be held by such associate member or members as the Chairman may designate, the associate member or members being of the section which will make final determination in the claim. A section of the Board shall make a determination on any proceeding instituted before the Board and on any motion in connection therewith assigned to such section by the Chairman and shall make a report of any such determination, which report shall constitute its final disposition of the proceeding.

(b) The determination of the section, when unanimously concurred in by the members of the section, shall be the final determination of the Board except that such Board on its own motion may correct an obvious error in the record, or may upon the basis of additional official information from the War or Navy Department reach a contrary conclusion. In the event of a disagreement among the members of the section the concurrence of the Chairman with the majority of members of such section shall constitute the final determination of the Board, subject to correction only on a showing of obvious error, or when in the opinion of the Board, a contrary conclusion is justified on the basis of additional official information furnished by the War or Navy Department.

II. All questions on claims involving benefits under the laws administered by the Veterans' Administration shall be subject to one review on appeal to the Administrator of Veterans' Affairs, decisions in such cases to be made by the Board of Veterans' Appeals. Jurisdiction to render final decisions on questions so reviewed on appeal shall vest in the Board of Veterans' Appeals in accordance with the provisions of paragraph I. When a claim shall be disallowed by the Board of Veterans' Appeals it may not thereafter be reopened and allowed and no claim based upon the same factual basis shall be considered, except that where subsequent to such disallowance new and material evidence in the form of official reports from the proper service department is secured, the Board of Veterans' Appeals may authorize the reopening of the claim and review of the former decision. The Board of Veterans' Appeals shall in its decisions be bound by the Regulations of the Veterans' Administration, instructions of the Administrator of Veterans' Affairs, and the precedent opinions of the Solicitor.

III. Applications for review on appeal to the Administrator of Veterans' Affairs shall be filed (excepting in those claims involving simultaneously contested claims, (see paragraph X (a) hereof)) within six months from the date of mailing of notice of the result of initial review or determination or from July 1, 1933, whichever is the later date. Applications for review must be filed with the activity which entered the denial. If no application for review on appeal is filed in accordance with this Regulation within the time limit specified, the action taken on initial review or determination shall become final and the claim will not thereafter be reopened or allowed, except where subsequent to such disallowance new and material evidence in the form of official reports from the proper service department is secured the Administrator of Veterans' Affairs may authorize the reopening of the claim and review of the former decision. If application for review on appeal is entered within the time limit specified by regulations, a reasonable time thereafter will be allowed, if requested, for the perfection of the appeal and the presentation of additional evidence before final determination or decision is made.

IV. Exclusive jurisdiction for the review of emergency officers' retirement claims covered by Section 10, Public No. 2, 73d Congress, shall be vested in such persons as shall be designated by the Administrator of Veterans' Affairs. Following initial determination the same rules and regulations governing applications for review to the Administrator of Veterans' Affairs as provided in this Regulation will be for application.

V. Application for review on appeal may be made in writing by the claimant, his legal guardian, or such accredited representative, or authorized agent, as shall be selected by him. Not more than one recognized organization or authorized agent will be recognized at any one time in the prosecution of a claim.

VI. Application for review on appeal may be made by any member of the Special Review Boards created by Part III of this Regulation and by such officials of the Veterans' Administration as may be designated by the Administrator of Veterans' Affairs at any time within the time limit provided by this Regulation. An application for review on appeal entered by a designated official of the Veterans' Administration shall not operate to deprive the claimant of the right of review on appeal as provided in this Regulation.

VII. In each application for review on appeal the name and service of the veteran on account of whose service the claim is based must be stated, together with the number of the claim and the date of the action from which the appeal is taken. The application must clearly identify the benefit sought.

VIII. Each application for review on appeal should contain specific assignments of the alleged mistake of fact or error of law in the adjudication of said claim, and any application for review on appeal insufficient in this respect may be dismissed.

IX. All cases received pursuant to application for review on appeal shall be considered and decided in regular order according to their places upon the docket, unless for cause shown a case may be advanced on motion for earlier consideration and determination. Every such motion shall set forth succinctly the grounds upon which it is based. No such motion will be granted except in cases involving interpretation of law of general application affecting other claims, or for other sufficient cause shown.

X. (a) In simultaneously contested claims where one is allowed and one rejected, the time allowed for the filing of an application for review on appeal shall be sixty days from the date of mailing notice of the original action to the claimant to whom the action is adverse. In such cases the activity concerned shall promptly notify all parties in interest of the original action taken, expressly inviting attention to the fact that an application for review on appeal will not be entertained unless filed within the period of sixty days herein prescribed. Such notices shall be forwarded to the parties in interest to the last known address of record.

(b) Upon the filing of an application for review on appeal in simultaneously contested claims, all parties other than the applicant for review on appeal whose interests may be adversely affected by the decision, shall be notified of the substance thereof and allowed thirty days from date of mailing of such notice within which to file brief or argument in answer thereto before the record is forwarded on application for review on appeal. The notice herein referred to shall be forwarded to the last known address of record of the parties whose interest may be adversely affected, and such action shall constitute sufficient evidence of notice.

XI. An application for review on appeal shall not be entertained unless it is in conformity with paragraphs I to X, inclusive.

PART III

REVIEW OF PRESUMPTIVE CLAIMS BY SPECIAL REVIEW BOARDS

I. For the purpose of conducting the review of those claims which have heretofore been service connected by virtue of statutory presumptions as comprehended in Section 20 of Public No. 78, 73d Congress, there are hereby temporarily created such Special Review Boards as may be necessary, to be located in the regional areas of the Veterans' Administration as determined upon by the Administrator of Veterans' Affairs. The Special Review Boards shall function in accordance with this Regulation and such special instructions as may be issued to them.

II. These Boards will each be composed of five members, three of whom shall be selected by the President from personnel who were not in the employ of the Veterans' Administration on the date of the approval of Public No. 78, 73d Congress, and two employees shall be designated by the Administrator of Veterans' Affairs from the personnel of the Veterans' Administration. The official stations of the respective Boards will be in the Veterans' Administration Facility or Office to which they are assigned and the Manager of such Facility or Office will furnish such space, supplies, clerical and stenographic assistance as may be necessary for the proper operation of the Boards, such clerical and stenographic assistance to be furnished from the personnel now on the rolls of the Veterans' Administration Facility or Office concerned.

III. The concurrence of any three members of a Special Review Board shall constitute the decision of such Board.

IV. The Special Review Boards will grant hearings where indicated, such hearings to be without expense as to travel or per diem allowance to the Government. When requested in due time hearings will be arranged for claimants, their authorized representatives or qualified agents, and notices will be dispatched indicating the hour and date on which the cases are to be heard. Claimants' representatives or agents will, however, be required to respond at the time and date set, otherwise the Board will proceed with the consideration and determination of the claim and no further arrangement as to hearing will be made. Claimants, their authorized representatives, agents, or witnesses appearing before the Board for the purpose of presenting oral testimony will be duly sworn.

V. The jurisdiction of the Special Review Boards shall be confined to a determination of questions of service connection in those cases which were heretofore service connected by reason of the statutory presumption of soundness at enlistment or by reason of the first proviso Section 300, War Risk Insurance Act, as amended, or by reason of the second proviso Section 200, World War Veterans' Act, 1924, as amended, and which are denied service connection as a result of the review of awarded cases under the provisions of Public No. 2, 73d Congress, where the veteran had World War service as defined in Veterans Regulation No. 1 (a), Part I, paragraph I (a).

The Boards in their determinations will be guided by the following principles.

(a) The Special Review Boards shall determine on all available evidence the question of whether service connection shall be granted under the provisions of Veterans Regulations issued pursuant to Public No. 2, 73d Congress, (notwithstanding the evidence may not

clearly demonstrate the existence of the disease or any specific clinical findings within the terms of or period prescribed by Veterans Regulation No. 1 (a), Part I, paragraph I (c), issued under Public No. 2, 73d Congress), and shall in their decisions resolve all reasonable doubts in favor of the veteran, the burden of proof in such cases being on the Government. The Special Review Boards shall be guided by the principles enunciated in Veterans Regulation No. 1 (a), Part I. However, in any case where in view of the peculiar circumstances and in the exercise of sound judgment it is determined that the veteran is entitled to service connection an affirmative determination may be made even though literal adherence to such principles would prevent the granting of service connection.

The Boards shall set forth briefly in their decisions the reasons for the conclusions reached. Rendition, by the Board, of a decision in any case shall terminate its jurisdiction in such case.

(b) In their determinations the Special Review Boards will view the claim in the light of the circumstances under which the veteran served in the armed forces during the World War, giving particular consideration to service in the American Expeditionary Forces and the zone of hostilities, and on the whole evidence of record reach a determination without reference to prior determinations, which is proper under the circumstances of the individual case.

(c) The Boards in resolving all reasonable doubts in favor of the claimant will not indulge in speculative theory in reaching their conclusion. The Boards will, however, give due consideration to lay evidence as well as medical evidence of record, bearing in mind that the evidence should be viewed in the light of the facts set forth rather than the conclusions stated and that the weight to be given the evidence must depend largely upon the knowledge and capacity of the individual giving the testimony concerning the subject or fact about which he testifies.

(d) That provision of the law which placed the burden of proof on the Government in denying benefits will not be construed to mean that affirmative evidence only may be used as rebuttal evidence, but such rebuttal may also be predicated upon sound medical judgment, negative evidence of the War or Navy Department, or any other competent evidence available relating to the question at issue.

VI. The procedure covering the operation of the Special Review Boards will be provided by the Administrator of Veterans' Affairs in an appropriate instruction issued pursuant to provisions of this Regulation.

VII. The provisions in this Regulation covering the review of claims on appeal shall apply to the decisions of the Special Review Boards.

VIII. Service connection granted by Special Review Boards will not thereafter be discontinued except in the event of an appeal, or for fraud, misrepresentation, or when it is found by the Administrator that such grant is clearly contrary to this Regulation and instructions governing the operation of the Special Review Boards.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
July 28, 1933.

[No. 6230]

EXECUTIVE ORDER

VETERANS REGULATION NO. 3 (a)

SCHEDULE FOR RATING DISABILITIES

WHEREAS, Section 3, Title I, of Public No. 2, 73d Congress, entitled "An Act To maintain the credit of the United States Government", provides:

"For each class of persons specified in subparagraphs (a) and (b) of section 1 of this title the President is hereby authorized to prescribe by regulation the minimum degrees of disability and such higher degrees of disability, if any, as in his judgment should be recognized and prescribe the rate of pension payable for each such degree of disability. In fixing rates of pensions for disability or death the President shall prescribe by regulation such differentiation as he may deem just and equitable, in the rates to be paid to veterans of different wars and/or their dependents and to be paid for

"(a) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in war-time service;

"(b) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in peace-time service;

"(c) Disabilities and deaths not incurred in service."

NOW, THEREFORE, by virtue of the authority vested in me by said law, the following regulation is hereby promulgated, canceling Veterans Regulation No. 3, and substituting therefor Veterans Regulation No. 3 (a), to read as follows:

I. The Administrator of Veterans' Affairs is hereby authorized and directed to adopt and apply a schedule of ratings of reductions in earning capacity from specific injuries or combination of injuries. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations. The schedule shall be constructed so as to provide ten grades of disability and no more, upon which payments of pension shall be based, namely, ten percent, twenty per cent, thirty percent, forty percent, fifty percent, sixty percent, seventy percent, eighty percent, ninety percent, and total, one hundred percent. The Administrator of Veterans' Affairs shall from time to time readjust this schedule of ratings in accordance with experience.

II. (Canceled by Veterans Regulation No. 3 (a), Executive Order No. 6231, see page 25.)

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
June 6, 1933.

[No. 6157]

EXECUTIVE ORDER

VETERANS REGULATION NO. 3 (b)

SCHEDULE FOR RATING DISABILITIES

WHEREAS, Section 3, Title I, of Public No. 2, 73d Congress, entitled "An Act To maintain the credit of the United States Government", provides:

"For each class of persons specified in subparagraphs (a) and (b) of section 1 of this title the President is hereby authorized to prescribe by regulation the minimum degrees of disability and such higher degrees of disability, if any, as in his judgment should be recognized and prescribe the rate of pension payable for each such degree of disability. In fixing rates of pensions for disability or death the President shall prescribe by regulation such differentiation as he may deem just and equitable, in the rates to be paid to veterans of different wars and/or their dependents and to be paid for (a) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in war-time service; (b) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in peace-time service; (c) Disabilities and deaths not incurred in service."

AND WHEREAS, Section 20, Public No. 78, 73d Congress, entitled "An Act Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes", provides in part as follows:

"* * * Notwithstanding any of the provisions of Public Law Numbered 2, Seventy-third Congress, in no event shall the rates of compensation payable for directly service-connected disabilities to those veterans who entered the active military or naval service prior to November 11, 1918, and whose disabilities are not the result of their own misconduct, where they were except by fraud, mistake, or misrepresentation, in receipt of compensation on March 20, 1933, be reduced more than 25 per centum, except in accordance with the regulations issued under Public Law Numbered 2, Seventy-third Congress, pertaining to Federal employees, hospitalized cases and cases of beneficiaries residing outside of the continental limits of the United States; * * *"

NOW, THEREFORE, by virtue of the authority vested in me by said law, Veterans Regulation No. 3 (a) is hereby amended as herein-after provided:

1. Paragraph II of Veterans Regulation No. 3 (a) is hereby cancelled.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
July 28, 1933.

[No. 6231]

EXECUTIVE ORDER

VETERANS REGULATION NO. 4

PROTECTED AWARDS

WHEREAS, Section 17, Title I, of Public No. 2, 73d Congress, entitled "An Act To maintain the credit of the United States Government", provides:

"The provisions of this title shall not apply to compensation or pension (except as to rates, time of entry into active service, and special statutory allowances) being paid to veterans disabled, or dependents of veterans who died, as the result of disease or injury directly connected with active military or naval service (without benefit of statutory or regulatory presumption of service connection) pursuant to the provisions of the laws in effect on the date of enactment of this act. The term 'compensation or pension' as used in this paragraph shall not be construed to include emergency officers' retired pay referred to in section 10 of this title."

NOW, THEREFORE, by virtue of the authority vested in me by said law, the following regulation is hereby promulgated:

I. The provisions of Title I, Public 2, 73d Congress, and the Regulations issued pursuant thereto shall not be applicable to any claim wherein compensation or pension is being paid based on a finding heretofore made pursuant to law that the injury or disease causing disability or death was directly connected with active military or naval service, except where under the provisions of Title I, Public, 2, 73d Congress, and Regulations issued pursuant thereto the rate of disability or requirement as to time of entry into active service has been changed or payment is based on a statutory allowance. The protection afforded by Section 17 is not applicable to any claim wherein the injury or disease causing disability or death has been connected with active military or naval service by virtue of any statutory or regulatory presumption of service connection.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
March 31st, 1933.

[No. 6092]

EXECUTIVE ORDER

VETERANS REGULATION NO. 5

ENTITLEMENT TO EMERGENCY OFFICERS' RETIRED PAY

WHEREAS, Section 10, Title I, of Public No. 2, 73d Congress, entitled "An Act to maintain the credit of the United States Government", provides:

"Notwithstanding the provisions of section 2 of this title, any person who served as an officer of the Army, Navy, or Marine Corps of the United States during the World War, other than as an officer of the Regular Army, Navy, or Marine Corps during the World War, who made valid application for retirement under the provisions of Public No. 506, Seventieth Congress, enacted May 24, 1928, sections 581 and 582, title 38, United States Code, and who prior to the passage of this Act has been granted retirement with pay, shall be entitled to continue to receive retirement pay at the monthly rate now being paid him if the disability for which he has been retired resulted from disease or injury or aggravation of a preexisting disease or injury incurred in line of duty during such service: *Provided*, That such person entered active service between April 6, 1917, and November 11, 1918: *Provided*, That the disease or injury or aggravation of the disease or injury directly resulted from the performance of military or naval duty, and that such person otherwise meets the requirements of the regulations which may be issued under the provisions of this Act."

NOW, THEREFORE, by virtue of the authority vested in me by said law the following regulation is hereby promulgated:

I. Any person who served as an officer of the Army, Navy, or Marine Corps of the United States during the World War, other than as an officer of the Regular Army, Navy, or Marine Corps during the World War, who made valid application for retirement under the provisions of Public 506, 70th Congress, enacted May 24, 1928, sections 581 and 582, title 38, United States Code, and who prior to the passage of Public No. 2, 73d Congress, has been granted retirement with pay, shall, subject to such other regulations as have been or may hereafter

be issued, be entitled to continue to receive retirement pay at the monthly rate now being paid him if the disability for which he has been retired with pay resulted from disease or injury or aggravation of a preexisting disease or injury, incurred in line of duty during such service and is shown to have been heretofore properly rated: *Provided*, That such person entered active service between April 6, 1917, and November 11, 1918: *Provided further*, That the disease or injury or aggravation of the disease or injury directly resulted from the performance of military or naval duty and that the causative factor therefor is shown to have arisen out of the performance of duty during such service.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
March 31st, 1933.

[No. 6093]

EXECUTIVE ORDER

VETERANS REGULATION NO. 6 (a)

ELIGIBILITY FOR DOMICILIARY OR HOSPITAL CARE, INCLUDING MEDICAL TREATMENT

WHEREAS, Section 6, Title I, of Public No. 2, 73d Congress, entitled "An Act to maintain the credit of the United States Government", as amended by Section 1, Public No. 78, 73d Congress, entitled "An Act Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes", provides:

"In addition to the pensions provided in this title the Administrator of Veterans' Affairs is hereby authorized under such limitations as may be prescribed by the President, and within the limits of existing Veterans' Administration facilities to furnish to men discharged from the Army, Navy, Marine Corps, or Coast Guard for disabilities incurred in line of duty and to veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, domiciliary care where they are suffering with permanent disabilities, tuberculosis, or neuropsychiatric ailments and medical and hospital treatment for diseases or injuries."

NOW, THEREFORE, by virtue of the authority vested in me by said law, the following regulation is hereby promulgated cancelling Veterans Regulation No. 6 and substituting therefor Veterans Regulation No. 6 (a) to read as follows:

I. The Administrator of Veterans' Affairs, within the limits of Veterans' Administration facilities, is authorized to furnish domiciliary or hospital care, including medical treatment, to the following persons and in the specified order of preference:

(a) To honorably discharged veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, who are suffering with injuries or diseases which were incurred or aggravated in line of duty in the active military or naval service when in need of hospital treatment for such injuries or diseases;

(b) To persons honorably discharged from the United States Army, Navy, Marine Corps, or Coast Guard for disabilities incurred

in line of duty, who are suffering with injuries or diseases which were incurred or aggravated in line of duty in the active military or naval service when in need of hospital treatment for such injuries or diseases;

(c) To honorably discharged veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, who served in the active military or naval service for a period of ninety days or more who are suffering with permanent disabilities or tuberculous or neuropsychiatric ailments, which incapacitate them from earning a living, and who have no adequate means of support;

(d) To persons honorably discharged from the United States Army, Navy, Marine Corps, or Coast Guard for disabilities incurred in line of duty, who served in the active military or naval service for a period of ninety days or more, who are suffering with permanent disabilities or tuberculous or neuropsychiatric ailments, which incapacitate them from earning a living, and who have no adequate means of support.

II. No clothing shall be furnished to any person admitted to a Veterans' Administration facility and while a member thereof except under the following conditions:

(a) Where the person is indigent and the furnishing of clothing is necessary to protect health or sanitation;

(b) Where the person requires special clothing made necessary by the wearing of prosthetic appliances.

III. Reasonable traveling and other expenses of the person to a Veterans' Administration facility may be paid in the discretion of the Administrator of Veterans' Affairs only when the person is granted prior authority to report to a Veterans' Administration facility for treatment of injury or disease incurred or aggravated in line of duty in the active military or naval service. Upon completion of such treatment as may be prescribed and regular discharge by the Veterans' Administration, reasonable traveling, and other expenses of the person, from the Veterans' Administration facility to the place from which hospitalized may be paid in the discretion of the Administrator of Veterans' Affairs. In the event of the death of any person prior to discharge, transportation expenses (including preparation of the body) for the return of the body to the place of residence or the nearest National cemetery may be paid in the discretion of the Administrator of Veterans' Affairs when deemed necessary and as an administrative necessity.

IV. No person shall be entitled to receive domiciliary, medical or hospital care, including treatment, who resides outside of the continental limits of the United States or its territories or possessions.

V. The Administrator of Veterans' Affairs is hereby authorized to provide such rules and procedure governing domiciliary or hospital care as he may deem proper and necessary.

VI. Pension for disability the result of injury or disease incurred or aggravated in the line of duty in the active military or naval service, and emergency officers' retirement pay, of any person who is being furnished hospital treatment, institutional, or domiciliary care by the United States, or any political subdivision thereof, shall not exceed \$15 per month, provided that where such person has a wife, child or dependent mother or father the difference by which the amount to which such disabled person would otherwise be entitled exceeds \$15 will be payable to the wife, child or dependent mother or father, as

may be prescribed by the Administrator of Veterans' Affairs. Where any disabled person having neither wife, child nor dependent mother or father, is being maintained by the Government of the United States, or any political subdivision thereof, in an institution and shall be deemed by the Administrator of Veterans' Affairs to be insane, the pension for such person shall thereafter not exceed \$15 per month so long as he shall be maintained by the Government of the United States, or any political subdivision thereof, in an institution; provided, however, that in any case where the estate of such person derived from funds paid under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, the several pension acts and/or this Act equals or exceeds \$1,500, any payments of pension being made will be discontinued until the estate derived from such funds is reduced to \$500. The provisions of this paragraph shall also be applicable to pensions for disability the result of injury or disease incurred after active military or naval service, except that the amount payable while the veteran is in the institution shall be \$6.00 per month instead of \$15.00 per month. As to pension payable on account of service prior to the Spanish-American War, the amount payable while the veteran is in the institution shall be \$15.00 per month in all cases.

VII. Where a disabled person entitled to pension under Public No. 2, 73d Congress, or emergency officers' retirement pay is a patient in a Veterans' Administration facility, or where for any other reason the disabled person and his wife are not living together, or where the child or children are not in the custody of the disabled person, or in the custody of the widow, the amount of the pension may be apportioned as may be prescribed by the Administrator of Veterans' Affairs.

VIII. The Administrator of Veterans' Affairs is authorized to continue hospital care of those persons properly admitted under the laws in effect prior to March 20, 1933, until such time as they may be discharged without jeopardizing their health or life.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
July 28th, 1933.
[No. 6232]

EXECUTIVE ORDER

VETERANS REGULATION NO. 7 (a)

ELIGIBILITY FOR MEDICAL CARE

WHEREAS, Section 6, Title I, of Public No. 2, 73d Congress, entitled "An Act To maintain the credit of the United States Government", as amended by Section 1, Public No. 78, 73d Congress, entitled "An Act Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes", provides:

"In addition to the pensions provided in this title the Administrator of Veterans' Affairs is hereby authorized under such limitations as may be prescribed by the President, and within the limits of existing Veterans' Administration facilities, to furnish to men discharged from the Army, Navy, Marine Corps, or Coast

Guard for disabilities incurred in line of duty and to veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, domiciliary care where they are suffering with permanent disabilities, tuberculosis, or neuropsychiatric ailments and medical and hospital treatment for diseases or injuries."

NOW, THEREFORE, by virtue of the authority vested in me by said law, the following regulation is hereby promulgated cancelling Veterans Regulation No. 7 and substituting therefor Veterans Regulation No. 7 (a) to read as follows:

I. The Administrator of Veterans' Affairs, within the limits of Veterans' Administration facilities, is authorized in his discretion to furnish to honorably discharged veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, and to men honorably discharged from the United States Army, Navy, Marine Corps, or Coast Guard for disabilities incurred in line of duty, such medical, surgical and dental services as may be found to be reasonably necessary for diseases or injuries incurred or aggravated in the line of duty in the active military or naval service. Such persons may also be furnished with such supplies including dental appliances, wheel chairs, artificial limbs, trusses, and similar appliances, including special clothing made necessary by the wearing of prosthetic appliances, as the Administrator of Veterans' Affairs may determine to be useful and reasonably necessary, which dental appliances, wheel chairs, artificial limbs, trusses, special clothing, and similar appliances may be procured by the Veterans' Administration in such manner, either by purchase or manufacture, as the Administrator of Veterans' Affairs may determine to be advantageous and reasonably necessary.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
July 28, 1933.

[No. 6233]

EXECUTIVE ORDER

VETERANS REGULATION NO. 8

YEARLY RENEWABLE TERM INSURANCE

WHEREAS, Section 17, Title I, of Public No. 2, 73d Congress, entitled "An Act to maintain the credit of the United States Government", provides:

"All public laws granting medical or hospital treatment, domiciliary care, compensation and other allowances, pension, disability allowance, or retirement pay to veterans and the dependents of veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, and the World War, or to former members of the military or naval service for injury or disease incurred or aggravated in the line of duty in the military or naval service (except so far as they relate to persons who served prior to the Spanish-American War and to the dependents of such persons, and the retirement of officers and enlisted men of the Regular Army, Navy, Marine Corps, or Coast Guard) are hereby repealed, and all laws granting or pertaining to yearly renewable term insurance are hereby repealed, but payments in accordance with such laws shall continue to the last day of the third calendar month following the month during which this Act is enacted. The Administrator of Veterans' Affairs under the general direction of the President shall immediately cause to be reviewed all allowed claims under the above referred to laws and where a person is found entitled under this Act, authorize payment or allowance of benefits in accordance with the provisions of

this Act commencing with the first day of the fourth calendar month following the month during which this Act is enacted and notwithstanding the provisions of section 9 of this Act, no further claim in such cases shall be required: Provided, That nothing contained in this section shall interfere with payments heretofore made or hereafter to be made under contracts of yearly renewable term insurance which have matured prior to the date of enactment of this Act and under which payments have been commenced, or on any judgment heretofore rendered in a court of competent jurisdiction in any suit on a contract of yearly renewable term insurance, or which may hereafter be rendered in any such suit now pending: Provided further, That, subject to such regulations as the President may prescribe, allowances may be granted for burial and funeral expenses and transportation of the bodies (including preparation of the bodies) of deceased veterans of any war to the places of burial thereof in a sum not to exceed \$107 in any one case.

"The provisions of this title shall not apply to compensation or pension (except as to rates, time of entry into active service and special statutory allowances), being paid to veterans disabled, or dependents of veterans who died, as the result of disease or injury directly connected with active military or naval service (without benefit of statutory or regulatory presumption of service connection) pursuant to the provisions of the laws in effect on the date of enactment of this Act. The term 'compensation or pension' as used in this paragraph shall not be construed to include emergency officers' retired pay referred to in section 10 of this title."

NOW, THEREFORE, by virtue of the authority vested in me by said law, the following regulation is hereby promulgated:

I. Yearly renewable term insurance in cases where the insured has disappeared and such insurance is being continued by payment of premiums as required by law may be converted into any form of level premium life or endowment insurance provided by the Government. Application for conversion, together with remittance to cover at least one monthly premium shall be filed with the Veterans' Administration within 31 days from the date of notice of this right. If any such insurance is not converted within the time prescribed all rights under such insurance shall cease and terminate.

II. When an insured under yearly renewable term insurance is receiving insurance benefits on account of a total permanent disability award and such award is terminated, the insured shall be entitled to convert the amount of such yearly renewable term insurance (commuted value of the remaining unpaid installments) into any form of level premium life or endowment insurance provided by the Government. Application for such conversion, together with a remittance to cover at least one monthly premium, shall be filed with the Veterans' Administration within 31 days from the date of notice of this right. Any yearly renewable term insurance in such cases that is not converted within the prescribed time shall cease and terminate. Paragraphs R-3141 and 3142 of Regulations & Procedure, Veterans' Administration (United States Veterans' Bureau) are hereby amended accordingly.

III. Payments under contracts of yearly renewable term insurance (including automatic insurance) which have matured, and under which payments have been commenced prior to March 20, 1933, or on any judgment heretofore rendered in a court of competent jurisdiction in any suit on a contract of yearly renewable term insurance (including automatic insurance), or which may hereafter be rendered in any such suit pending in court on March 20, 1933, may hereafter be made.

IV. Further payment of benefits on account of the death of an insured to whom yearly renewable term insurance (including automatic insurance) benefits have been awarded and are being paid in accordance with paragraph III of this Regulation shall be made in

accordance with the World War Veterans' Act, 1924, as amended, and precedents in effect thereunder.

V. Except as stated above, no payments may hereafter be made under contracts of yearly renewable term insurance (including automatic insurance) and all pending claims or claims hereafter filed for such benefits shall be disallowed.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
March 31st, 1933.

[No. 6096]

EXECUTIVE ORDER

VETERANS REGULATION NO. 9 (a)

PAYMENT OF BURIAL EXPENSES OF DECEASED WAR VETERANS

WHEREAS, Section 17, Title I, of Public No. 2, 73d Congress, entitled "An Act to maintain the credit of the United States Government", provides:

"That subject to such regulations as the President may prescribe, allowances may be granted for burial and funeral expenses and transportation of the bodies (including preparation of the bodies) of deceased veterans of any war to the places of burial thereof in the sum not to exceed \$107 in any one case."

NOW, THEREFORE, by virtue of the authority vested in me by said law, the following Regulation is hereby promulgated cancelling Veterans Regulation No. 9 and substituting Veterans Regulation No. 9 (a), to read as follows:

I. Where an honorably discharged veteran of any war dies after discharge a flag to drape the casket shall be furnished in all cases; such flag to be given to the next of kin after burial of the veteran.

II. Where an honorably discharged veteran of any war dies after discharge, the Administrator, in his discretion and with due regard to the circumstances in each case, shall pay, for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding \$75 to cover such items and to be paid to such person or persons as may be prescribed by the Administrator. Burial allowance, or any part thereof, authorized under this Regulation, shall not be payable if the veteran's net assets at the time of death, exclusive of debts and accrued pension, compensation, or insurance due at time of death, equal or exceed the sum of \$1,000. The Administrator may, in his discretion, make contracts for burial and funeral services within the limits of the amount herein allowed without regard to the laws prescribing advertisement for proposals for supplies and services for the Veterans' Administration. No deduction shall be made from the sum allowed because of any contribution toward the burial and funeral (including transportation) which shall be made by a State, county, or other political subdivision, lodge, union, fraternal organization, society or beneficial organization, insurance company, Workmen's Compensation Commission, State Industrial Accident Board, or employer, but

the aggregate of the sums allowed from all sources shall not exceed the actual cost of the burial and funeral (including transportation).

III. Where death occurs in a Veterans' Administration facility the Veterans' Administration will (a) assume the actual cost (not to exceed \$75.00) of burial and funeral and (b) transport the body to the place of residence or to the nearest National cemetery or such other place as the next of kin may direct where the expense is not greater than the ascertained cost of transportation to place of residence. Where the ascertained cost of transportation to a place directed by the next of kin exceeds the amount allowed in accordance with (b) hereof, such allowable amount shall be available for reimbursement purposes or partial payment in such manner as the Administrator may determine.

IV. Claims for reimbursement must be filed within one year subsequent to the date of death of the veteran. In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application and if such evidence is not received within six months of the date of the request therefor, no allowance may be paid.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
June 6, 1933.

[No. 6158]

EXECUTIVE ORDER

VETERANS REGULATION NO. 10

MISCELLANEOUS PROVISIONS

WHEREAS, Section 4, Title I, of Public No. 2, 73d Congress, "An Act to maintain the credit of the United States Government", provides:

"The President shall prescribe by regulation (subject to the provisions of section 1 (e) of this title) the date of the beginning and of the termination of the period in each war subsequent to the Civil War, including the Boxer Rebellion and the Philippine Insurrection, service within which shall for the purposes of this Act be deemed war-time service. The President shall further prescribe by regulation the required number of days of war or peace-time service for each class of veterans, the time limit on filing of claims for each class of veterans and their dependents, the nature and extent of proofs and presumptions for such different classes, and any other requirements as to entitlement as he shall deem equitable and just. The President in establishing conditions precedent may prescribe different requirements or conditions for the veterans of different wars and their dependents and may further subdivide the classes of persons as outlined in section 1 of this title and apply different requirements or conditions to such subdivisions."

NOW, THEREFORE, by virtue of the authority vested in me by said law, the following regulation is hereby promulgated:

I. The beginning and termination dates of the wars shall be: The World War, April 6, 1917 and November 11, 1918, but as to service in Russia, the ending date shall be April 1, 1920; the Spanish-American War, April 21, 1898 and August 13, 1898; the Philippine Insurrection, August 13, 1898 and July 4, 1902, but as to engagements

in the Moro Province, the ending date shall be July 15, 1903; the Boxer Rebellion, June 20, 1900 and May 12, 1901.

II. The term "military or naval forces" shall mean the Army, the Navy, the Marine Corps, the Coast Guard, the Naval Reserves, the National Naval Volunteers, and all other branches of the United States service while serving pursuant to law with the Army or Navy.

III. The term "person who served" shall mean a person, whether male or female and whether commissioned, enlisted, enrolled or drafted, who was finally accepted for active service in the military or naval forces of the United States, members of training camps authorized by law, and such other persons heretofore recognized by statute as having a pensionable status.

IV. The term "veteran of any war" shall include the following persons: World War—Any officer, enlisted man, member of the Army Nurse Corps (female) or Navy Nurse Corps (female) who was employed in the active military or naval service of the United States on or after April 6, 1917, and before November 12, 1918, provided, however, if the person was serving with the United States military forces in Russia the dates herein shall be extended to April 1, 1920; Spanish-American War—Any officer or enlisted man who was employed in the active military or naval service of the United States on or after April 21, 1898, and before August 13, 1898, including those women who served as Army nurses under contracts on or after April 21, 1898, and before August 13, 1898, provided, that for the purposes of hospitalization the term "veteran of any war" shall include persons who served overseas as contract surgeons of the Army on or after April 21, 1898, and before August 13, 1898; Philippine Insurrection—Any officer or enlisted man employed in the active military or naval service of the United States, including those women who served as Army nurses under contracts, who actually participated in the Philippine Insurrection on or after August 13, 1898, and before July 5, 1902, provided, however, if the person was serving in the United States military forces engaged in the hostilities in the Moro Province, the ending date shall be July 15, 1903; Boxer Rebellion—Any officer or enlisted man, including those women who served as Army nurses under contracts, employed in actual participation in the Boxer Rebellion on or after June 20, 1900, and before May 13, 1901.

V. (Amended by Veterans' Regulation No. 10 (b), Executive Order No. 6234, see page 38.)

VI. (Amended by Veterans' Regulation No. 10 (a), Executive Order No. 6159, see page 37.)

VII. The term "mother" or "father" shall mean a natural mother or father of the veteran, or mother or father of the veteran through legal adoption.

VIII. An injury or disease will be deemed to have been incurred "in line of duty" when the person on whose account benefits are claimed was, at the time the injury was suffered or disease contracted, in the active service in the military or naval forces, whether on active duty or on authorized leave for a period of time which does not materially interfere with the performance of his regular routine of duty, unless it appears that the injury or disease has been caused by misconduct on his part:—Provided, however, the requirement will not be met if it appears that at the time the injury was suffered or disease contracted, the person on whose account benefits are claimed (1) was

avoiding duty by deserting the service or by absenting himself without leave; (2) was absent from his organization or other post of military or naval duty on a furlough or leave of absence which materially interferes with the performance of regular routine of duty; (3) was confined under sentence of court martial or civil court or was resisting lawful arrest; (4) was relieved from all active performance of duty by command of his superior officer as a result of the intemperate use of drugs or alcoholic liquor or because of injury or disease contracted or suffered as a result of his own misconduct; (5) was acting in disobedience of the lawful orders of his superior officer or in violation of the rules and regulations of his organization; or (6) whether at his post or lawfully absent, if the injury or disease was in fact, caused by something not involving misconduct but done in pursuing some private business or avocation.

Where the injury or disease occurs while on leave, the burden of proof shall be on the claimant to show that it was incurred in the line of duty, but where the injury or disease occurs while at camp or post of duty, the burden shall be upon the Government to show that the disability was not in line of duty.

IX. A disability will be held to have resulted from misconduct when it is due to venereal disease, unless it is affirmatively shown that the disease was, in fact, innocently acquired, other than through the sexual relation, or when caused by an act of commission or omission, wrong in itself, or by an act contrary to the principles of good morals; or as a result of gross negligence, gross carelessness, alcoholism, drug addiction, self-infliction of wounds, etc.

X. (Amended by Veterans Regulation No. 10 (a), Executive Order No. 6159, see page 38; further amended by Veterans Regulation No. 10 (b), Executive Order No. 6234, see page 39.)

XI. (Amended by Veterans Regulation No. 10 (b), Executive Order No. 6234, see page 39.)

XII. Whenever the pension payable to or for the benefit of any person is terminated by the happening of the contingency upon which it is limited, the pension thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

XIII. Not more than one pension shall be payable to any one individual except that the receipt of a pension by a widow, child, or parent on account of the death of any person shall not bar the payment of a pension on account of the death of any other person.

XIV. The Administrator of Veterans' Affairs is hereby authorized to incur necessary court costs and other expenses incident to proceedings for the commitment of mentally incompetent veterans to a Veterans' Administration Hospital or Home when necessary for treatment or domiciliary purposes.

XV. The Administrator of Veterans' Affairs is hereby authorized to provide for necessary expenses in connection with the appointment of fiduciaries for incompetent or minor beneficiaries where to charge the estate of such incompetent or minor would unduly deplete such estate; and to incur necessary expenses in connection with the removal or supervision of such fiduciaries.

XVI. The Administrator of Veterans' Affairs is hereby authorized to recognize representatives of the American Red Cross, the American Legion, the Disabled American Veterans, the Grand Army of the

Republic, the United Spanish War Veterans, Veterans of Foreign Wars, and such other organizations as he shall approve, in the presentation of claims. However, no such representative shall be recognized until a certificate has been filed in the Veterans' Administration, under such rules as the Administrator of Veterans' Affairs may prescribe, certifying that no fee or compensation of whatsoever nature shall be charged veterans or the dependents of veterans for service rendered. The rules prescribed by the Administrator of Veterans' Affairs shall contain a provision requiring in each claim the filing of a power of attorney in such manner and form as the Administrator of Veterans' Affairs may prescribe.

XVII. The Administrator of Veterans' Affairs is hereby authorized, under such rules as he may prescribe, to recognize agents, attorneys, or other persons in the presentation of claims. The rules prescribed by the Administrator of Veterans' Affairs may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims and the Administrator of Veterans' Affairs may, after notice and opportunity for a hearing, suspend or exclude from further practice before the Veterans' Administration any such person, agent or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud, in any manner, deceive, mislead, or threaten any claimant, or prospective claimant, by word, circular, letter or by advertisement. The Administrator of Veterans' Affairs is further authorized to determine and pay fees in pension claims to such persons, agents and attorneys, and to prescribe rules governing entitlement to and the amount and mode of payment of such fees in accordance with sections 111, 114 and 115, title 38, U.S.C.

XVIII. The phrase "entitled to any benefits" as used in section 9, title I, Public No. 2, 73d Congress, means:

(a) Any person in receipt of monetary benefits on the date of enactment of this Act whose right to receive monetary benefits continues under the provisions of, and regulations issued pursuant to, this Act.

(b) Any person whose claim heretofore or hereafter filed proceeds to an adjudication under this Act resulting in an award of monetary benefits while such award continues.

The phrase "participate in any determination or decision with respect to any claim for benefits under this Title" as used in section 9, title I, Public No. 2, 73d Congress, means:

(a) Any person acting within the limits of constituted authority who is charged with the responsibility for determination or decision involving the exercise of discretion in the allowance or disallowance of monetary benefits.

(b) Any person acting within the limits of constituted authority who jointly with others having similar authority is charged with the responsibility for determination or decision involving the exercise of discretion in the allowance or disallowance of monetary benefits.

XIX. (Amended by Veterans Regulation No. 10 (b), Executive Order No. 6234, see page 39.)

XX. The Administrator of Veterans' Affairs is hereby authorized to detail from time to time employees of the Veterans' Administration to make examination into the merits of pension claims whether pending or adjudicated and to aid claimants in the preparation or presentation of their claims. Such person shall have power to administer oaths, take affidavits and certify to the correctness of papers and documents pertaining to the administration of Title I of Public No. 2, 73d Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 31st, 1933.

[No. 6098]

EXECUTIVE ORDER

VETERANS REGULATION NO. 10(a)

MISCELLANEOUS PROVISIONS

WHEREAS, Section 4, Title I, of Public No. 2, 73d Congress, "An Act to maintain the credit of the United States Government", provides:

"The President shall prescribe by regulation (subject to the provisions of section 1 (e) of this title) the date of the beginning and of the termination of the period in each war subsequent to the Civil War, including the Boxer Rebellion and the Philippine Insurrection, service within which shall for the purposes of this Act be deemed war-time service. The President shall further prescribe by regulation the required number of days of war or peace-time service for each class of veterans, the time limit on filing of claims for each class of veterans and their dependents, the nature and extent of proofs and presumptions for such different classes, and any other requirements as to entitlement as he shall deem equitable and just. The President in establishing conditions precedent may prescribe different requirements or conditions for the veterans of different wars and their dependents and may further subdivide the classes of persons as outlined in section 1 of this title and apply different requirements or conditions to such subdivisions."

NOW, THEREFORE, by virtue of the authority vested in me by said law, the following regulation is hereby promulgated amending Veterans Regulation No. 10 as hereinafter provided:

1. Regulation No. 10, Paragraph VI, is hereby amended to read as follows:

VI. The term "child" shall mean a legitimate child or a child legally adopted, unmarried and under the age of eighteen years, unless prior to reaching the age of eighteen, the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, except that the payment of pension shall be further continued after the age of eighteen years and until completion of education or training (but not after such child reaches the age of twenty-one years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn.

2. Regulation No. 10, Paragraph X, is hereby amended to read as follows:

X. No person holding an office or position, appointive or elective, under the United States Government or the municipal government of the District of Columbia or under any corporation, the majority of the stock of which is owned by the United States, shall be paid a pension or emergency officers' retirement pay, so long as he continues to draw a salary from such employment, except (1) those receiving pension or emergency officers' retirement pay for disabilities incurred in combat with an enemy of the United States; (2) those persons so employed whose pension is protected by the provisions of the Act; however, the rate of pension as to this class shall not exceed \$6.00 per month; (3) those persons whose salary or compensation for service as such employee is in an amount not in excess of \$50 per month; and (4) widows of veterans.

FRANKLIN D. ROOSEVELT.

[No. 6159]

THE WHITE HOUSE,
June 6, 1933.

EXECUTIVE ORDER

VETERANS REGULATION NO. 10(b)

MISCELLANEOUS PROVISIONS

WHEREAS, Section 4, Title I, of Public No. 2, 73d Congress, "An Act To maintain the credit of the United States Government", provides:

"The President shall prescribe by regulation (subject to the provisions of section 1 (e) of this title) the date of the beginning and of the termination of the period in each war subsequent to the Civil War, including the Boxer Rebellion and the Philippine Insurrection, service within which shall for the purposes of this Act be deemed war-time service. The President shall further prescribe by regulation the required number of days of war or peace time service for each class of veterans, the time limit on filing of claims for each class of veterans and their dependents, the nature and extent of proofs and presumptions for such different classes, and any other requirements as to entitlement as he shall deem equitable and just. The President in establishing conditions precedent may prescribe different requirements or conditions for the veterans of different wars and their dependents and may further subdivide the classes of persons as outlined in section 1 of this title and apply different requirements or conditions to such subdivisions."

NOW, THEREFORE, by virtue of the authority vested in me by said law, the following regulation is hereby promulgated amending Veterans Regulation No. 10, as amended, as hereinafter provided:

1. Regulation No. 10, Paragraph V, is hereby amended to read as follows:

V. The term "widow" of a veteran of the Spanish-American War, the Boxer Rebellion or the Philippine Insurrection, shall mean a person who was married to the veteran prior to September 1, 1922; of a World War veteran—who was married to the veteran prior to July 3, 1931; of a peace-time veteran—who was married to the veteran prior to the expiration of ten years subsequent to his discharge from the enlistment during which the injury or disease, on account of which claim is being filed, was incurred.

2. Regulation No. 10 (a), Paragraph X, is hereby amended to read as follows:

X. No person holding an office or position, appointive or elective, under the United States Government, or the municipal government of the District of Columbia, or under any corporation, the majority of the stock of which is owned by the United States, shall be paid a pension, or emergency officers' retirement pay, so long as he continues to draw a salary from such employment, except (1) those receiving pension or emergency officers' retirement pay for disabilities incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of the instrumentality of war in line of duty during an enlistment or employment as provided in Veterans' Regulation No. 1 (a), Part I, paragraph I; (2) those persons so employed whose pension is protected by the provisions of the Act; however, the rate of pension as to this class shall not exceed \$6 per month; (3) those persons whose salary or compensation for service as such employee is in an amount not in excess of \$50 per month; and (4) widows of veterans.

3. Regulation No. 10, Paragraph XI, is hereby amended to read as follows:

XI. No person entitled to pension or emergency officers' retirement pay under the provisions of this Act, who resides outside the continental limits of the United States, exclusive of Hawaii, Alaska, Puerto Rico, Virgin Islands and the Panama Canal Zone, shall while so residing, receive more than 50% of the amount of pension or emergency officers' retirement pay otherwise provided.

4. Regulation No. 10, Paragraph XIX, is hereby amended to read as follows:

XIX. The phrase "Veterans' Administration facilities" as used in section 6, title I, Public No. 2, 73d Congress as amended by section 1 of Public No. 78, 73d Congress, shall include the following:

(a) Those facilities over which the Veterans' Administration has direct and exclusive jurisdiction;

(b) Those other government facilities for which the Administrator of Veterans' Affairs may deem it necessary to contract;

(c) Those private facilities for which the Administrator of Veterans' Affairs may deem it necessary and proper to contract, in order to provide hospital care (1) in emergency cases for persons suffering from injuries or diseases incurred or aggravated in line of duty in active military or naval service; (2) for women veterans of any war; (3) for veterans of any war in the territories and possessions.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
July 28, 1933.

[No. 6234]

EXECUTIVE ORDER

VETERANS REGULATION NO. 11

DISCLOSURE OF INFORMATION AND FURNISHING COPIES OF RECORDS

WHEREAS, Section 7, Title I, of Public No. 2, 73d Congress, entitled "An Act To maintain the credit of the United States Government", provides:

"The Administrator of Veterans' Affairs subject to the general direction of the President and in accordance with regulations to be issued by the President shall administer, execute, and enforce the provisions of this title and for such purpose shall have the same authority and powers as are provided in sections 425, 430, 431, 432, 433, 434, 440, 442, 443, 444, 447, 450, 451, 453, 455, 457, 458, 459, 459a, 459c, 459d, 459e, 459f, title 38, U.S.C., and such other sections of title 38, U.S.C., as relate to the administration of the laws granting pensions."

NOW, THEREFORE, by virtue of the authority vested in me by said law, the following regulation is hereby promulgated:

I. All files, records, reports and other papers and documents pertaining to any claim, whether pending or adjudicated, shall be deemed confidential and privileged, and no disclosure thereof shall be made except as follows:

(a) To a claimant or his duly authorized agent or representative as to matters concerning himself alone when, in the judgment of the Administrator of Veterans' Affairs, such disclosure would not be injurious to the physical or mental health of the claimant;

(b) When required by process of a United States Court to be produced in any suit or proceeding therein pending or when such production is deemed by the Administrator of Veterans' Affairs to be necessary in any suit or proceeding brought under the World War Veterans' Act, 1924, as amended;

(c) When required by any Department or other agency of the United States Government;

(d) In all proceedings in the nature of an inquest into the mental competency of a claimant;

(e) In any judicial proceedings when in the judgment of the Administrator of Veterans' Affairs such disclosure is deemed necessary and proper;

(f) The amount of pension of any beneficiary shall be made known to any person who applies for such information, and the Administrator, with the approval of the President, upon determination that the public interest warrants or requires, may, at any time and in any manner, publish any or all information of record pertaining to any claim;

(g) The Administrator of Veterans' Affairs in his discretion may authorize an inspection of Veterans' Administration records by duly authorized representatives of recognized organizations.

II. Any person desiring a copy of any record, paper, etc., in the custody of the Veterans' Administration, which may be disclosed under the above provisions, must make written application for same to the Veterans' Administration, stating specifically:

(1) The particular record, paper, etc., a copy of which is desired and whether certified or uncertified;

(2) The purpose for which such copy is desired to be used.

The Administrator of Veterans' Affairs is authorized to fix a schedule of fees for copies and certifications of such records.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

March 31st, 1933.

[No. 6099]

EXECUTIVE ORDER

VETERANS REGULATION NO. 12

PRESUMPTION OF ENTITLEMENT TO PENSIONS FOR SPANISH-WAR VETERANS AND CERTAIN WIDOWS, CHILDREN AND DEPENDENT PARENTS OF DECEASED WORLD WAR VETERANS.

WHEREAS Section 4, Title I, of Public No. 2, 73d Congress entitled, "An Act To maintain the credit of the United States Government", provides:

"The President shall prescribe by regulation (subject to the provisions of section 1 (c) of this title) the date of the beginning and of the termination of the period in each war subsequent to the Civil War, including the Boxer Rebellion and the Philippine Insurrection, service within which shall for the purposes of this Act be deemed war-time service. The President shall further prescribe by regulation the required number of days of war or peace-time service for each class of veterans, the time limit on filing of claims for each class of veterans and their dependents, the nature and extent of proofs and presumptions for such different classes, and any other requirements as to entitlement as he shall deem equitable and just. The President in establishing conditions precedent may prescribe different requirements or conditions for the veterans of different wars and their dependents and may further subdivide the classes of persons as outlined in section 1 of this title and apply different requirements or conditions to such subdivisions."

AND WHEREAS, it is realized that veterans of the Spanish-American War, the Boxer Rebellion and the Philippine Insurrection, who have heretofore received a pension, having in mind the period of time which has elapsed since the cessation of hostilities, will be at a decided disadvantage in endeavoring to secure evidence showing that their injury or disease was incurred in line of duty in the active military or naval service:

AND WHEREAS, it is realized that those widows, children or dependent parents of deceased veterans of the World War who have heretofore received compensation under the presumptive provisions of the World War Veterans' Act, 1924, as amended, will likewise be at a disadvantage in endeavoring to secure evidence to show that the injury or disease from which the veteran died was incurred in the line of duty in the active military or naval service:

NOW, THEREFORE, by virtue of the authority vested in me by said law the following regulation is hereby promulgated:

I. Veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, and every widow, child or children, dependent father or mother of a deceased World War veteran who were in receipt of pension or compensation at the date of enactment of Public No. 2, 73d Congress, shall be entitled to continue to receive a pension under this Act at the rate being paid them on the date of enactment of Public No. 2, 73d Congress, it being presumed

FRANKLIN D. ROOSEVELT

[No. 6100]

A

F

Boxer Rebellion. See Service (Military—Naval).
Burial:

- Accrued and unpaid pension and emergency officers retirement pay, payable as reimbursement to person paying expenses of. V.R. 2 (a), Part I, P. V.
- Benefits payable only on account of honorably discharged veterans; claims must be filed within 1 year of death; expenses allowable; flag furnished. V.R. 9 (a), P. I to V.
- Transportation of body when death occurs during hospitalization. V.R. 6 (a), P. III.

C

Charges—Costs—Fees:

- Court costs; authority for. V.R. 10, P. XIV.
- Fees, payable to pension agents and attorneys. V.R. 10, P. XVII.

Child. See Relationships (Child).

Chronic diseases; presumption of service connection; rebuttal of (War-time service). V.R. 1 (a), Part I, P. I.

Claims (Pension):

- Examinations into the merits of; aid to claimants in the preparation or presentation of. V.R. 10, P. XX.
- Presumptive; review of, by Special Review Boards. V.R. 2 (a), Part III, P. I–VIII.
- Procedure for filing; review on appeal. V.R. 2 (a), Part II, III.

Clothing. See Patients (Clothing).

Contact Representative. See Cooperation.

Contract Hospitals; hospitalization of certain types of veterans in. V.R. 10 (b), P. XIX.

Conversion—Converted:

- Term Insurance:
 - File application for within 31 days from notice of this right. V.R. 8.
 - Insured who has disappeared but premiums are being paid. V.R. 8.
 - May be converted when award of permanent total is discontinued. V.R. 8.

Cooperation; aid to claimants by contact representatives in preparation or presentation of claims. V.R. 10, P. XX.

Court costs; authority for. V.R. 10, P. XIV.

D

Dates:

- Beginning and ending of various wars. V.R. 10, P. I.
- Beginning and ending, Spanish-American War, Boxer Rebellion, Philippine Insurrection, relative to benefits for veterans under Pub. #2, 73d Cong. V.R. 1 (a), Part I, P. I.

Effective:

- Awards of disability and death pension. V.R. 2 (a), Part I.
- Discontinuance or reduction of compensation, disability allowance, pension awards. V.R. 2 (a), Part I, P. III.

Death:

- Not result of service; pension payable. V.R. 1 (a), Part III, P. I.
- Pension:
 - Benefits for, when resulting from active military or naval service. V.R. 1 (a), Part I, P. I.
 - Effective date of award. V.R. 2 (a), Part I.
 - Payable for, resulting from peace-time service. V.R. 1 (a), Part II, P. I.
 - Payable to dependents (peace-time service). V.R. 1 (a), Part II, P. III.

Death—Continued

Pension—Continued

Payable to, or for dependents (war-time service). V.R. 1 (a), Part I, P. IV.

Presumption of entitlement for certain widows, children, dependent parents of deceased World War veterans. V.R. 12.

Definitions:

"Boxer Rebellion", "Moro Service", V.R. 10, P. I.

"Philippine Insurrection", "Russian Service", "Spanish-American War", "World War".

"Entitled to any benefits", "Veterans' Administration facilities", V.R. 10, 10 (b), P. XVIII, XIX.

"In line of duty", "Misconduct". V.R. 10, P. VIII, IX.

"Need"—relative to benefits for veterans under Part III, V.R. 1 (a) and V.R. 1 (b). V.R. 1 (a), Part III, P. II (a).

"Permanent total", for pension purposes. V.R. 1 (a), Part III, P. I (e).

Various terms used in "Public #2, 73d Congress": "Military and naval forces", "person who served", "veteran of any war", "wife", "widow", "child", "mother", "father". V.R. 10, P. II–VII.

Dental services—furnishing as part of medical care, to veterans with service origin disabilities. V.R. 7 (a).

Dependents—Dependency:

Pension:

Effective dates of awards to. V.R. 2 (a), Part I, IV (b).

Eligibility for, because of disability, disease, aggravation or death of veteran, resulting from active service. V.R. 1 (a), Part I, P. I.

Eligibility for, resulting from peace-time service. V.R. 1 (a), Part II, P. III.

Payable because of death of veteran when not due to service. V.R. 1 (a), Part III, P. III.

Rates provided:

Not result of service. V.R. 1 (a), Part III, P. III.

Peace-time service. V.R. 1 (a), Part II, P. III.

War-time service. V.R. 1 (a), Part I, P. IV.

Disability—Disease—Injury:

Effective date of awards of pension for. V.R. 2 (a), Part I.

Line of duty; pension payable. V.R. 1 (a), Part I, P. I, II.

Not result of service; pension payable. V.R. 1 (a), Part III, P. I, II.

Peace-time service; pension payable. V.R. 1 (a), Part II, P. I, II.

Presumption of service origin relative to Members of the National Guard. V.R. 1 (a), Part I, P. III.

Rejected draftees. V.R. 1 (a), Part I, P. III.

Those provisionally accepted and ordered to a place for final acceptance. V.R. 1 (a), Part I, P. III.

Presumption, "sound condition"; "chronic disease"; "aggravation"; rebuttal (war-time service). V.R. 1 (a), Part I, P. I.

Ratings for (war-time service). V.R. 1 (a), Part I, P. II.

Service origin; medical care for, including prosthetics, orthopedics, dental supplies, and special clothing. V.R. 7 (a).

Discharge:

Active Service:

Honorable—required for—

- Burial expenses of deceased war veterans. V.R. 9 (a).
- Domiciliary or hospital care, including medical treatment. V.R. 6 (a).
- Medical care for veterans of any war. V.R. 7 (a).
- Pension benefits. V.R. 1 (a) Parts I, II, III P. I.

- Discharge—Continued
 Hospital:
 Patients under previous laws—not while health or life would be jeopardized. V.R. 6 (a), Part, VIII.
 Disease. See Disability—Disease—Injury.
 Documents—Papers; certification to the correctness of. V.R. 10, Part XX.
 Domiciliary care:
 Men discharged from Army, Navy, Marine Corps, Coast Guard. V.R. 6 (a).
 Not outside limits of U.S. Territories or possessions; pension while receiving; service-connected or non-service-connected disability. V.R. 6 (a).
 Transportation of body of deceased veteran; burial expenses, and furnishing of flag. V.R. 9 (a).
 Doubt (reasonable): Special Review resolves all such matters in favor of the claimant. V.R. 2 (a), Part III, P. V (c).
 Draft—Draftee. See Service (Military—Naval).
 E
 Eligibility—Entitlement:
 Definition of the phrase "Entitled to any benefits." V.R. 10 P. XVIII.
 Domiciliary or hospital care, including medical treatment. V.R. 6 (a).
 Emergency officers to receive retirement pay for disability incurred in line of duty. V.R. 5.
 Medical care for veterans of any war—service origin; prosthetic, orthopedic, dental supplies; special clothing. V.R. 7 (a).
 Pension:
 For injury, disease, or aggravation, suffered in line of duty, or death from—
 Peace-time service..... V.R. 1 (a), Part II, P. I.
 War-time service..... V.R. 1 (a), Part I, P. I.
 Presumption of, for pension for Spanish-American War, Philippine Insurrection, and Boxer Rebellion veterans, and certain widows, children, and dependent parents of deceased World War veterans. V.R. 12.
 Emergency Officers:
 Retirement—Retired Pay:
 Accrued at time of death; available for burial expenses; disposition of. V.R. 2 (a), Part I, P. V.
 Claims—review of; persons designated for. V.R. 2 (a), Part II, P. IV.
 Entitlement; disability incurred in line of duty. V.R. 5.
 Reduced to 50% while residing in foreign countries. V.R. 10, P. XI.
 Restricted payment of, while a Government employee. V.R. 10 (a) (b), P. X.
 Estate; insane veteran in an institution, and having no dependents; limitation as to amount. V.R. 6 (a).
 Examinations; employees detailed to make into merits of pension claims, either pending or adjudicated. V.R. 10, P. XX.
 Expenditure—Expense:
 Authority for court costs; also for appointment, removal of guardian. V.R. 10, P. XIV, XV.

F

- Father. See Relationships.
 Fees. See Charges—Costs—Fees—Etc.
 Files—Filing; disclosure of information contained in; furnishing copies of records. V.R. 11.
 Flag, burial—furnishing of..... V.R. 9 (a).
 Foreign:
 Domiciliary, hospital, medical care, treatment, not furnished outside United States and territories or possessions. V.R. 6 (a).
 Pension and emergency officers retirement pay are reduced 50% while residing in foreign countries. V.R. 10, 10 (b), P. XI.

G

- Government hospitals (other than V.A.):
 Authority for hospitalization of certain types of patients in. V.R. 10 (b), Par. XIX.
 Guardian; authority for expenses for appointment, removal. V.R. 10, P. XV.

H

- Health—Sound Condition:
 Presumption of sound condition:
 After 90 days of active service; rebuttal of. V.R. 1 (a), Part I.
 Upon entering service—except as to conditions noted:
 Peace-time service..... V.R. 1 (a), Part II, P. I.
 War-time Service..... V.R. 1 (a), Part I, P. I. (b).
 Hospital:

- Hospitalization:
 As authorized in contract and Government hospitals (other than V.A.). V.R. 10 (b), Par. XIX.
 Continuance, for patients under previous laws until discharged without jeopardizing health or life. V.R. 6 (a), P. VIII.
 Eligibility for..... V.R. 6 (a).
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